Zakaat

In

Detail

FORWARD :-

All praise in reality is only for Allaah. We laud Him and beseech His aid and beg forgiveness from only Him and believe in Him and rely solely on Him. We seek salvation in Him from the evils of our inner selves and the vices of our actions. There is none to misguide one whom Allaah intends to guide and there is none to guide whom Allaah intends to mislead. I bear witness that there is no one worthy of worship only Allaah, the One who has no partner. I also testify that Hadhrat Muhammad (Sallahu Alahyi Wassalam) is the faithful servant and the Last Rasul of Allaah. May Allaah Ta=ala=s mercy be on him, his family and his Sahabaah (Radia Allahu Anhum Ajmaeen) and may He bless them and raise their status.

The contents of this book is mainly derived from a book entitled AMasaail -e- Zakaat@ by Moulana Muhammad Rifaat, who is a lecturer at the World renown Darul Uloom, Deoband, U. P. India.

The book is not translated verbatim, but is simplified for the reader. The original book is in Question and Answer format. We have summarised the value information of the answer and the question and presented in for General benefit.

Now, the laws, rules and regulations of Zakaat and Ushr have been explained and elucidated to facilitate easy practice.
The book can be easily used for :-
a,.) Secondary Madressah Syllabi or
b.) Adult Education Syllabi.

We pray the Allaah accepts this minor effort and to let it be an asset in their world, in the grave and Aakhirat.

A. H. Elias (Mufti)

ZAKAAT

AAnd those who hoard up gold and silver (Al-Kanz: the money, the Zakaat of which has not been paid), and spend it not in the way of Allaah Ta`ala, - announce unto them a painful torment.
On the day when that (Al-Kanz: money, gold and silver, etc. the Zakaat of which has not been paid) will be heated in the fire of Jahannam and with it will be branded their foreheads, their flanks, and their backs, (and it will be said unto them) : >This is the treasure which you have hoarded for yourselves. Now taste of what you used to hoard.=@

Summarised Commentary (Of the Above Aayat)

Those people who hoard their gold and silver and do not dispense of it in the path of Allaah Ta`ala (Zakaat), give them the glad tidings of a fearful punishment.

The words ALa Yunfiqunaha@ implies that those people who spend in the path of Allaah, that amount which is necessary, will not be harmed by whatever extra they accumulate over and above that. Nabi (sallallahu alaihi wasallam) said that the money from which Zakaat has been given, does not fall in the category of AKanaztum@ (hoarded wealth). [Abu Dawood / Ahmed etc.]

From this we gather that whatever monies may be accumulated after the dispensing of Zakaat, will not constitute a sin. This is the opinion of the majority of the Fuqaha (Islaamic Jurists).

In the Aayat (quoted above), a fearful punishment has been described as follows : *AOn the day when that (Al-Kanz: money, gold and silver, etc. the Zakaat of which has not been paid) will be heated in the fire of Jahannam and with it will be branded their foreheads, their flanks, and their backs, (and it will be said unto them) : >This is the treasure which you have hoarded for yourselves. Now taste of what you used to hoard.=@* From this we deduce that the retribution of an action is the actual action (which in this case is the wealth accumulated unlawfully). The actual wealth was permissible, however, the neglect in dispensing of the Zakaat therefrom resulted in this very wealth becoming a form of punishment.

In this Aayat mention is made of the forehead, flank and backs being branded. This could imply the entire body, or these three parts of the body have been specifically mentioned, because, a miser who does not wish to spend his wealth in the path of Allaah Ta`ala, will, when confronted by a beggar firstly have a frown upon his forehead, then in order to avoid the beggar, he will turn to his left or right. Then when the beggar still does not leave him, he turns his back. Hence, these three parts of the body have been specifically mentioned. [Ma`ariful Qur`aan, page 363, vol.4 - Urdu version]

The Basis of Nomenclature of Zakaat

The lexicographic meaning of the word AZakaat@ is : >Purity, Blessings, and increase=. The Shar`i definition of the word AZakaat@ is : To give a specific portion of one=s own wealth, that (amount / percentage) which has been

specified by the Shariat, to a worthy person, thereby making him the owner thereof.

By consolidating between the dictionary and Shar`i meanings of Zakaat, we discover that this action (of giving a specific portion of one=s wealth to a worthy person), cleanses and purifies one=s remaining wealth. This remaining wealth enjoys the blessings of Allaah Ta`ala. This wealth (given as Zakaat) not only benefits one in this world, it is also a mans of one gaining reward in the Hereafter. This wealth (Zakaat) also cleanses the owner from sins and other evil traits, such as miserliness etc. Hence, this act is called AZakaat@.

AZakaat@ is also known as ASadaqa@ (charity), because this act testifies to the Purity of the Imaan of the giver thereof. [Madha`hir-e-Haqq, page 483, vol.2 / Kitaabul Fiqh, Baabuz Zakaat, page 958, vol.1]

The Definition And Elucidation of Zakaat

To give a specific portion of one=s wealth to such a poor Muslim,(and make him the owner thereof), who is not a Haashimi (family of the Banu Haashim), nor a slave, and the giver has no ulterior motive in giving the wealth, such as personal benefit (in some way) or some type of greed, in fact he should only do so for the pleasure of Allaah Ta`ala. This is what is termed as Zakaat in the Shariat. [Aalimgiri, page 3, vol.4]

MAS`ALA: A Muslim worthy of receiving Zakaat, should be made the owner thereof, in such a way that all type of benefit from that wealth is removed from the giver. Hence,

a person dispensing of Zakaat, cannot do so to his blood relatives above him; i.e. mother, father or maternal and paternal grandparents, nor can he give to those below him; i.e. sons, daughters or grandchildren (son=s or daughter=s). The reason for this is that, by his giving them, he still enjoys some sort of benefit therefrom. [Durrul Mukhtaar, page 6, vol.2]

The Verification of Zakaat (In the Shariat)

MAS`ALA: Zakaat is one of the five pillars of Islaam. It is binding upon all those persons who conform to the stipulated conditions (mentioned later).
Zakaat was made obligatory in the 2nd year after Hijri. It=s being Fardh (compulsory) in Islaam is a well known fact by all.

The obligation of Zakaat is found in the Qur`aan Shareef, Ahaadith and Ijma (consensus of opinion). In the Qur`aan Shareef, Allaah Ta`ala says : AWa aatuz Zakaat@ (AAnd give Zakaat@).

There are numerous proofs for Zakaat found in the Ahaadith Shareef. Amongst them is the statement of Nabi (sallallahu alaihi wasallam) that Islaam is based upon five things. Zakaat was mentioned amongst these five things. The following Hadith regarding Zakaat, can also be found in Tirmidhi Shareef, reported by Hadhrat Sulaim bin Aamir (radhiAllaahu anhu), he says :
AI heard Abu Umaama (radhiAllaahu anhu) say : >I heard the lecture of Nabi (sallallahu alaihi wasallam) at Hajjatul Wida, wherein he (sallallahu alaihi wasallam) said : >Fear Allaah, perform your five times daily Salaat, and when

Ramadaan comes, keep your fasts, dispense of Zakaat from your wealth and obey your (Muslim) rulers, and you will enter into Jannat.=@

Besides these, there are numerous other Ahaadith, as well on this subject. As for Ijma, the entire Muslim Ummat are unanimous on this, that Zakaat is amongst the pillars of Islaam. [Kitaabul Fiqh, page 659, vol.1]

MAS`ALA: It is stated in Durrul Mukhtaar and Shaami that, the order of giving Zakaat has been mentioned, together with the order of performing Salaat, 32 times in the Qur`aan Shareef . It is not stated how many times Zakaat is mentioned without Salaat. [Fataawa Daarul Uloom, page 41, vol.6]

When Does it Become Incumbent to Know the Laws of Zakaat ?

MAS`ALA: Until such time that a person does not own the Nisaab of Zakaat, which is 7 2 Tolas (Equivalent to 87.479 grams) of gold or 52 2 Tolas (Equivalent to 612.35 grams) of silver or its equivalent in cash money or goods of trade etc. then it will not be necessary for such a person to know the laws pertaining to Zakaat. Nevertheless, it is Fardh for one to believe in it=s (Zakaat) being Fardh. When one attains this amount of wealth (Nisaab of Zakaat), then it will become binding (Fardh) upon that person to learn the necessary laws of Zakaat. The laws of Zakaat referred to here are regarding the external acts of Zakaat, it is however Fardh and absolutely necessary for every Muslim to believe in Zakaat as being a Fardh and pillar of Islaam. [Imdaad Masaa`il-e-Zakaat, page 10]

When Did Zakaat Become Fardh ?

It has been ascertained from the Ahaadith Shareef and from the history of the five Fardh acts in Islaam, that the five times daily Salaat were made Fardh on the occasion of Me`raaj. Thereafter, fasting was made Fardh in the 2nd year of Hijri, in Madinah Munawwarah. Together, with this Zakaat-e-Fitr was also made Fardh, so that the person keeping fast is cleansed, and the poor may also be assisted on the day of Eid. Thereafter, Zakaat, it=s Nisaab and the different limitations were made Fardh. However, there is no definite, clear proof, regarding the year in which the limitations etc. of Zakaat were specified. [Fiqh-e-Zakaat, page 101, vol.1 / Fataawa Daarul Uloom Deoband, page 41, vol.6]

The correct version regarding Zakaat, is that it was made Fardh during the beginning stages of Islaam, in Makkah Mukarrama. This is proven by Imaam Ibn Katheer (rahmatullahi alaihi), in his Tafseer of Surah AMuzammil@, which is one of the Surahs revealed during the beginning stages of Prophethood. Here, Zakaat is mentioned together with Salaat. However, from the Ahaadith Shareef, this much is ascertained that, during the beginning stages of Islaam, there was no Nisaab amount specified. In fact, (during that time), the Muslims used to give whatever they had remaining, after spending on their necessities, in the path of Allaah Ta`ala. The limitations and Nisaab of Zakaat was only specified after the Hijrat to Madinah Munawwarah. The system of collecting and dispensing of Zakaat, was only put into practice after the conquest of Makkah.

In Aayat 60, Surah Tawbah, Allaah Ta`ala mentions those worthy of receiving Zakaat :

„As-Sadaqaat (here it means Zakaat) are only for the Fuqara (poor), Al-Masaakeen (poor), those employed to collect(the funds) - (this applies ONLY to an Islaamic state as stated by some Ulema - , to attract the hearts of those who have been inclined towards Islaam [this category of persons have been excluded from those worthy of accepting Zakaat by Hadhrat Umar (radhiAllaahu anhu)], to free the captives, for those in debt, for Allaah=s cause (Mujaahideen) and for the wayfarer (a traveller who is cut off from everything)..@

There is a consensus of opinion amongst the Sahabah and Tabi`een that this Aayat applies to those worthy of receiving the Fardh Sadaqah; i.e. Zakaat, which, like Salaat, is Fardh upon every Muslim. The dispensing of Nafl (optional) Sadaqah is much more varied, regarding who is worthy of receiving it, as ascertained in the various narrations. This is not only limited to these 8 categories of persons. [Ma`ariful Qur`aan, page 394, vol.4]

The Obligation of Zakaat For The Previous Ummats

Zakaat was also mentioned together with Salaat, in the Shariats of the previous Ummats. In Surah Ambiyaa, the following is stated when mention is made of Hadhrat Ebrahim (alaihi salaam), his son Hadhrat Is`haaq (alaihi salaam) and his son Hadhrat Yaqoob (alaihi salaam) :
„And We had inspired them with the performance of good deeds; (especially) to establish Salaat and to give Zakaat.@

In Surah Maryam, the following is mentioned regarding Hadhrat Ismail (alaihi salaam) :

AAnd he used to enjoin upon his family (the performance of) Salaat and (the dispensing of) Zakaat.@

It is apparent from these Aayaat of the Qur`aan Shareef, that Zakaat was one of the fundamentals and distinguishing characteristics of the past Shariats as well. There was, however, a difference in their limits and laws pertaining to it. This difference, also existed in our Shariat, between the beginning and last stages of Prophethood. For example, in the beginning stages of Islaam, all the Salaats only comprised of two Rakaats of Fardh Salaat, then besides Fajr, all the others were increased. Similarly, the order for Zakaat existed in Makkah Mukarrama before the Hijrah to Madinah Munawwarah. Hence, the order for the dispensing of Zakaat, as being a necessary condition of a Believer, is mentioned together with the order of Salaat in the opening Aayaat of Surahs Mu`min, Naml and Luqmaan. These three Surahs were Makki Surahs (i.e. Surahs revealed prior to the Hijrah to Madinah). [Ma`ariful Hadith, page 23, vol.4]

The Object of Zakaat During the Era of Makkah

The object of Zakaat during the Makkan era, as merely to spend one=s wealth in the path of Allaah Ta`ala, by giving it to the poor and needy. There was not, at that time any detail laws regarding Zakaat, these were only revealed in Madinah Munawwarah. Therefore, that historian or writer who says that the laws of Zakaat was only revealed after the 2nd year of Hijri, he means that the detail laws and limitations of Zakaat was only revealed, after the Hijrah. He would not mean that the order for the dispensing of Zakaat was revealed in Madinah, because this was already promulgated in Makkah, during the early stages of Islaam.

The details regarding Zakaat were revealed in Madinah , and the system of collecting and dispensing thereof was only established after the 8th year of Hijri. [Ma`ariful Hadith, page24, vol.4]
It is well-known, in the history of Islaamic Laws, that Zakaat was made Fardh in Madinah Munawwarah. Then the following question may arise : What was the purpose of the mentioning of Zakaat in the Surahs of Makkah ? The reply to this would be : The Zakaat which was mentioned during the era of Makkah, was not the same Zakaat which was made Fardh after the Hijrah. This Zakaat (revealed in Madinah) had specific limitations, Nisaab and persons to whom it was to be dispensed to. The responsibility of the Islaamic authority, in the governing of Zakaat was also taken up in Madinah.

The Zakaat which existed in Makkah, was a general one, which had no limitations and conditions. It was based upon (testing and proving) the Imaan of the individuals, and upon brotherhood. At that time, as the need necessitated, little was spent, and sometimes, more. [Fiqh-e-Zakaat, page 85, vol.1 - by Doctor Yusuf Qardawi]

The Quality and Nature of Zakaat During the Madani Era

During the Makkahn era, the Muslims= invitation to Islaam was on an individual basis. Because of this individual effort, the Muslims were cut off from society and were segregated. After the Hijrah to Madinah, the Muslims were strengthened and they established an identity, which made the formation and establishment of a proper Islaamic system viable and possible. This, then lead to Nabi (sallallahu alaihi wasallam)

establishing the limits and conditions of Zakaat. [Fiqh-e-Zakaat, page 86, vol.1]

The Three Facets of Zakaat

There are three facets to the virtue of Zakaat. Just as a Muslim proves his subservience and subordination to Allaah Ta`ala in his Salaat, by fully submitting himself with his bodily actions, thereby gaining Divine pleasure, he does the same with his wealth, when he gives Zakaat. He confirms, by his giving of Zakaat, that whatever he has is not his and he spends therefrom for the pleasure of Allaah Ta`ala.

Zakaat is termed as an Ibaadat (act of worship), owing to this fact that an act of Ibaadat is that act which is done in order to attain the pleasure of Allaah Ta`ala. It is done to display one=s subservience and submission to the will and dictates of Allaah Ta`ala, thereby earning His pleasure and honour.

The second facet of the virtue of Zakaat, is that the giver assists, supports and serves the under-privileged.

The third facet, is that the dispensing of Zakaat cures and remedies one of the poisonous and spiritual sickness of >Hubbe Maal= (love for wealth). [Ma`ariful Hadith, page 20, vol.4]

One Other Objective of Zakaat

Islaam does not desire that all wealth and riches come only to one group of people. Or that, there is a special group in any society, which hoards and accumulates wealth. Instead

Islaam desires that the wealth in any community be (as far as possible) evenly distributed.

This is also the reason, why specific laws have been established regarding the distribution of wealth amongst the inheritors (to ensure a fair and suitable distribution). It is unlike the system of other nations, where the entire fortune be kept by one individual. When the eyes of an individual closes, and the wealth which was gathered in one place, is now (Islaamically) distributed amongst many inheritors - this ensures that wealth remains fairly distributed amongst the members of a society, and no one is deprived of his / her share. [Haqeeqat-e-Zakaat, page 20).

The Law Regarding the Refuter of Zakaat

Keeping in perspective the importance of Zakaat, the Fuqaha have stated that the refuter of Zakaat is a Kaafir and is completely out of the fold of Islaam.

Regarding this Imaam Nawawi (rahmatullahi alaihi) has stated that if a person recently accepts Islaam, or if a Muslim is living somewhere in the Jungle, and he refutes the obligation of Zakaat (out of ignorance) and he does not discharge this obligation. Then he will be explained the importance of Zakaat, if he still persists upon his refutal, then he will be regarded as a Kaafir. However, if a Muslim is living amongst other Muslims, and notwithstanding his being aware of the obligation of Zakaat, he still refutes it, then he will be regarded as a Kaafir and the laws regarding a Murtad will apply to him, i.e. he will be asked to repent, if he refuses then he will be executed. It is necessary to have the knowledge that Zakaat is Fardh. And if a person refutes it, notwithstanding having the knowledge thereof, he will be

guilty of falsifying Allaah Ta`ala and His Rasul (sallallahu alaihi wasallam). [Al-Majmoo` , page 334, vol.5]

Regarding the refuter of Zakaat, there is a clear cut decree in the Shariat. There is a consensus on this also. [Fiqh-e-Zakaat, page 120, vol.1 / Kitaabul Fiqh, page 959, vol.1]

Waging Battle Against Those Who Withhold Zakaat

Islaam has not sufficed merely upon a monetary fine or some other punishment for those who refuse to pay their Zakaat, in fact if a group of people rebel and refuse to pay their Zakaat, then a battle should be waged against them. If need be lives may be taken and sacrificed in the effort to uphold this fundamental of Islaam, even though Islaam has come to save and preserve lives. That blood which flows in order to uphold the Haqq, is not in vain. In fact, the one who gives his life in the path of Allaah Ta`ala, in order to establish justice on earth, does not die. As for those who waste their lives, because of their disobedience to Allaah Ta`ala and His Rasul (sallallahu alaihi wasallam), and due to their not upholding the Haqq, have only themselves to blame. They have removed the protection that Islaam has offered them. [Fiqh-e-Zakaat, page 111,vol. 1]

The execution of the refuters of Zakaat, and those who rebel against the giving of Zakaat, has been established from authentic Ahaadith and from the consensus of the Sahabah (radhiAllaahu anhu).

After the demise of Nabi (sallallahu alaihi wasallam), Hadhrat Abu Bakr (radhiAllaahu anhu) and many other great Sahabahs waged battle against those who rebelled against the giving of Zakaat. Those Sahabahs who at first

differed with Hadhrat Abu Bakr (radhiAllaahu anhu) regarding waging a battle against the rebels, actually took part in these battles. Hadhrat Abu Bakr (radhiAllaahu anhu) proved to the Sahabah-e-Kiraam (radhiAllaahu anhum), the necessity of waging battle against the rebels, and they all agreed, thus giving rise to a consensus of opinion on the matter. [Al-Majmoo` , page 334, vol.5]

Why Did Hadhrat Abu Bakr (Radhiallaahu Anhu) Wage War Against Those Who Refused to Give Zakaat ?

The war waged by Hadhrat Abu Bakr (radhiAllaahu anhu) against the refuters of Zakaat, was of great significance, because this was the first occasion in the history of Mankind (after Nabi (sallallahu alaihi wasallam)), that the rights of the poor, weak and underprivileged were being fought for, by a government and ruling body. History bears testimony to this fact that generally, the powerful and influential always oppressed and had the upper hand over the poor and weak.. The leaders and the rulers very rarely (truly) supported the poor and weak, in fact most of the rulers supported those with wealth and power. [Fiqh-e-Zakaat, page 115, vol.1]

Islaam=s Solution to Poverty

The solution and system devised in Islaam, regarding the protection and security granted to the poor, weak and underprivileged, is without comparison. The rules and arrangements regarding the co-ordination and application of this system is also beyond compare.

Islaam, has also granted a great deal of importance to solving the plight of the poor and underprivileged. This can

be gauged from the era of Islaam=s inception, when, the Muslims were under great pressure and oppression, there was no social structure prevalent amongst the Arabs at that time, and notwithstanding all this, exceptional due was granted to the poor and needy, so much so that, many Aayaat were revealed, wherein there was guidance regarding dealings with the poor. Sometimes, this noble advice was given in the Qur`aan Shareef : A*Feed the poor*@. At times Allaah Ta`ala advised the Muslims regarding how they were to spend of their wealth. Sometimes Aayaat were revealed regarding dealings with the beggar and the deprived. Sometimes, regarding the traveller, and sometimes Muslims were advised to A*Give Zakaat*@. In short, during the Makkan era, Muslims were advised about the rights enjoyed by the poor and needy over the wealth of the wealthy, such that, it (Zakaat) was not an optional charity, where if the giver pleased, then he would give, otherwise not. [Fiqh-e-Zakaat, page 71, vol.1]

Advantages of Zakaat

1. Today, throughout the world, there is a cry for >socialism=, where slogans are shouted out regarding the success and rights of the poor over the rich. With this system, how far will the poor be sustained ? This is a separate discussion altogether, however, what we wish to point out here is that, the conflict which exists between the rich and poor, is the result of the neglect shown by the rich in fulfilling the rights of the poor, given to them by Allaah Ta`ala. If in any country, one fortieth (1/40th) of the wealth of all the rich was to be distributed between the poor and needy, and this too, on a long term basis (forever), then there will be absolutely no qualms nor consternation forthcoming from the poor sector of that country. All the inhabitants will live in absolute peace and harmony.

This applies to all countries. If the wealthy play their part and contribute what is due upon them (Zakaat), they will witness the blessings and advantages for themselves.

2. Wealth and riches are to the human being as is blood to his body. If there is a shortage or deficiency in blood, then the person will be in danger. Sometimes, a malfunction of the heart causes death. Similarly, if there is a deficiency and loos of wealth, a person=s life and survival is adversely affected. There is a fear of the heart malfunctioning at any time (due to this loss). Allaah Ta`ala has chalked out a plan and system - of Zakaat - as He had chalked out many other plans for the survival of man. Until such time that this system of Allaah Ta`ala=s is not executed and put into motion effectively, man will suffer great setbacks in his life.

3. Picture the entire society as one unit. Regard each and every individual of the society as the organs of that unit. If any part of the unit (body) is afflicted with an injury, then with the resultant clotting of blood at that spot, a sore (pimple) is formed where matter (puss) accumulates and flows out. Similarly, if any organ has an accumulation of blood, then a swell results at that spot. Similarly, a person with excess wealth, finds that this wealth is spent on extravagancies and luxuries. Sometimes it is wasted on lawyers and other such wastes. Sometimes in sickness and doctors etc. Sometimes, in high buildings etc. The Shariat has prescribed the solution to these pimples and swellings which are the result of excess of wealth, in Zakaat.

4. That person who bears no feeling and concern for his own kind, in their poverty, hunger and strife is not a human being, but an animal. Shaitaan and the Naffs do their utmost in diverting a person=s attention away from the plight of the needy. Allaah Ta`ala has ordained laws regarding the rights of the poor over the wealthy, so that they may take heed and lesson therefrom.

5. Whenever wealth becomes the basis of a person=s life, there it also plays a great role in the making or breaking of a person=s life. Sometimes, the lack of wealth leads one to unsavoury actions. People resolve to theft, looting hijacking etc. due to a lack of money. Sometimes poverty leads to to such actions where a person fills his stomach with the fire of Jahannam (Haraam earnings). Sometimes a person may even resort to placing his Imaan in danger due to his greed for wealth. It is for this reason that Nabi (sallallahu alaihi wasallam) said that poverty takes one to the brink of Kufr (disbelief). Allaah Ta`ala has ordained Zakaat, as a remedy and cure for this malady.

6. Contrary to this, sometimes it is the love for wealth that leads one to destruction. The tricks, swindling, wheeling and dealing that takes place amongst the rich needs no further elucidation. By giving Zakaat and charity, the rich are also made aware of the plight of the needy, and they are supposed to take a lesson thereby.

7. One other benefit of Zakaat and Sadaqah, is that a person is saved from misfortunes and disasters that were supposed to have befallen him. Regarding this there are numerous Ahaadith, wherein it is stated that charity averts disasters and mankind=s life and wealth are safeguarded.

8. Another benefit of Zakaat is that a person will find blessings in his money and wealth. One who is miserly regarding his duty of discharging Zakaat and charity will find the doors of blessings being closed to him. It is reported in a Hadith, that the nation which stops giving Zakaat, Allaah Ta`ala will inflict them with drought and famine, and the rain will be withheld from them. [Tibrani / Haakim] [Aap ke Masaa`il aur on ka Hal, page 336, vol.3]

Divine Decree

The basic and natural necessities of human beings are to be found in the natural and basic things on earth. This is a

Divine system. One of the Wisdoms of Allaah Ta`ala, is that the commodities and things of this world are not evenly distributed amongst all the creation. Some have more than is necessary for them and others have so little, that they find it difficult to survive. Allaah Ta`ala has stated in the Qur`aan Shareef:

A*It is We Who portion out between them their livelihood in this world, and We raised some of them above others in ranks, so that some may employ others in their work.*@ [Surah Zukhruf, Aayat 32]

For the effective and perfect running of this world, this low and high ranking amongst the creation is of utmost importance.

However, Allaah Ta`ala has not left this high and low rankings be, He has given the following orders:

A*And those in whose wealth there is a known right, For the beggar who asks, and for the unlucky who has lost his property and wealth.*@ [Surah Ma`arij, Aayat 24]

The portion due to the poor and needy has already been stipulated, and the one who withholds it is like a thief, who has taken possession of what rightfully belongs to others. This has been implicated in the following Hadith, where Nabi (sallallahu alaihi wasallam) said that the person upon whom Zakaat becomes Waajib, at that very moment, 1/40th portion of his goods is written as being part of the share of the poor. Now, if that person does not give his Zakaat, it is not a matter of his not taking out the money, actually, it is that he has now mixed the share of the poor into his wealth.

Nabi (sallallahu alaihi wasallam) said that the wealth which has been mixed with Zakaat, is to be destroyed. [Mishkaat Shareef, page 157, vol.1]

In another Hadith, Zakaat has been described as filth / scum. Nabi (sallallahu alaihi wasallam) has said: A*Surely this Zakaat (not discharged), is the filth / dirt /scum of the people.*@ [Mishkaat Shareef, page 161, vol.1]

Hence, for one to cleanse his wealth of this scum he has to follow the Divine Decree of Allaah Ta`ala: A*Take Sadaqah from their wealth in order to purify them and sanctify them with it..*@ [Surah Tawbah, Aayat 103]

It is reported in Abu Dawood Shareef, that Nabi (sallallahu alaihi wasallam) said: A*Allaah Ta`ala has ordained Zakaat, for this reason that your remaining wealth be cleansed and purified.*@ [Mishkaat Shareef, page 156, vol.1]

Zakaat is the Filth of Wealth

When one boils the juice of sugar cane, to make sugar, one will find that after a while, some dirt surfaces in the form of foam, which has to be necessarily removed. If it is not removed, then the entire product will be spoilt and unusable. In the same way, if wealth to the value of Nisaab passes a year in one=s possession, then the Zakaatable portion thereof, will surface as the dirt, this we note from the Ahaadith of Nabi (sallallahu alaihi wasallam). Then if this portion is again mixed with one=s wealth, the entire lot will be spoilt. Just as the spoilt sugar will not sell in a good market, so too is the similarity of that wealth which has Zakaat mixed in it, it will not auger well for the user

thereof. One will find that it is wasted and squandered in unnecessary avenues and it will be devoid of all Barkat. This has been illustrated in the above mentioned Ahaadith, and in many other Ahaadith as well. [Targheeb wat Tarheeb, page 165, vol.2]

Even if (from the Shariat) only a perfect system for Zakaat is established and practised upon, at least half the problems and difficulties facing the Ummat will be removed. If the wealthy have to give a part of their wealth to the poor, quietly, then the hearts of the poor will be greatly relieved, and the many problems they have will be substantially decreased. If the wealthy, witness for themselves the plight of the poor and needy, then this will, Insha-Allaah, imbibe in them the quality of making Shukr to Allaah Ta`ala for the blessings they have been blessed with. [Targheeb wat Tarheeb, page 169, vol.2]

The Consequences in the Grave for Those Who Do Not Give Their Zakaat

Nabi (sallallahu alaihi wasallam) mentions regarding persons that he passed by during Me`raj. Their private parts were covered in the front and back with pieces of cloth and they were tearing at it like animals. They were eating the stones of Jahannam. Nabi (sallallahu alaihi wasallam) asked (Jibraeel (alaihi salaam)) : AWho are these people ?@ Hadhrat Jibraeel (alaihi salaam) replied that they were the ones who did not give the Zakaat that was due upon them. He also said that Allaah Ta`ala has not oppressed them, and He does not oppress his servants. [Nashrut Tayyib, page 51]

The punishment in the Hereafter that Allaah Ta`ala has prepared for the non-givers of Zakaat, is a separate one. This punishment will commence from the plains of Hashr (day of Qiyaamah). Just like how a harsh criminal is subjected to some difficult conditions (in custody etc.), and then he is brought before the court in a disgraceful manner, so too will be the condition on the day of Qiyaamah of those who did not give their Zakaat. [Targheeb, page 182, vol.2]

It is stated in the Hadith that Islaam is based upon five pillars; testification that there is no Deity besides Allaah Ta`ala and that Muhammad (sallallahu alaihi wasallam) is Allah Ta`ala=s servant and messenger, the establishment of Salaat, discharging of Zakaat, performing of Hajj and the fast of Ramadaan. [Bukhari / Muslim Shareef]

It is reported in another Hadith that the person who discharges his Zakaat, has removed calamities from himself (which were destined for him). [Kanzul Ummaal Majma`us Zawaa`id, page 63, vol.3]

It is stated in another Hadith that the discharging Zakaat keeps one=s wealth safe, seek a cure for illnesses in Sadaqah and counteracts misfortunes and troubles with du`aa and humility. [Abu Dawood]
It is reported in another Hadith that the wealth of the person who does not discharge his Zakaat will take the form of a snake on the day of Qiyaamah and it will wrap itself around his neck. [Nisai Shareef, page333]

One=s wealth will become a snake on the day of Qiyaamah and it will be a means of punishment for the culprit who refused to give his Zakaat. This is a reality, and yet we do

not take heed of it. [Fadhaa`il-e-Sadaqaat, page 236, vol.1]

The Punishment in this World for Not Discharging Zakaat

Hadhrat Bareera (radhiAllaahu anhu) has reported that Nabi (sallallahu alaihi wasallam) said that the nation that withholds Zakaat will be inflicted with drought and famine. If they withhold their Zakaat, they will be deprived of rain. To such an extent that, had it not been for the animals, even one drop of rain will not fall for them. [Targheeb, page 190, vol.2 / Fiqh-e-Zakaat, page 107, vol.1]

Such a drought will befall us (if Zakaat is not given), of which there will be no escape or solution. If Allaah Ta`ala inflicts a punishment upon His creation, who is there that can avert it, save Him ? He has inflicted sickness and it is He that has shown the proper cure therefrom. Hence, if one is afflicted with a sickness, then the proper cure should be resorted to, which is shown in the Qur`aan Shareef and the Hadith. [Fadhaa`il-e-Sadaqaat, page 252, vol.1]

AThat wealth which still has Zakaat binding upon it, it (Zakaat not given) spoils that wealth.@

The above Hadith has two objects. That wealth, from which Zakaat is still outstanding, will be spoilt and destroyed.

The second object is that if a wealthy person takes Zakaat and mixes it with his wealth, then his wealth will be spoilt thereby. [Fiqh-e-Zakaat, page 108, vol.1]

Zakaat is A Form of Insurance for A Muslim

Zakaat is the insurance company of the Muslims. It is their >Private Fund=. It is their support against difficulties. It is the means of nurturing the helpless, lame, sick, orphans and widows. Over and above all this, Zakaat is that thing which protects the Muslims from being concerned only for themselves.. The simple rule that applies here, is that, today you are rich and wealthy, so you assist the poor and needy. Tomorrow, you may be poor and needy, and others will assist you. You will not have this worry, that what will we do if we become poor? If I die then what will happen to my wife and children? If any severe calamity has to befall us, then what will we do? If I lose my money on a journey, then how will I survive? Zakaat will save one from all these types of fears and concerns. Your only obligation is to make sure that you contribute your 2 2 % to this insurance company. At this moment you are not in need of this wealth, it is needed more by others in the community. Tomorrow, if you and your family are in dire straits , then you will receive, not only what you have contributed, but much more than that. [Fiqh-e-Zakaat, page 713, vol.2]

Capitalism and Zakaat

There is a clear distinction and difference between Islaam and capitalism. Capitalism requires that you accumulate wealth and add to it with interest. (By way of example) It is as though you have formed a pool and you are adding to it by leading streams (of other people=s wealth), around it, ***into*** it.

Islaam teaches a completely opposing view. Firstly, wealth should not even be accumulated and amassed. If it happens to be accumulated, then streams are to be taken ***out*** from there, in order to water the surrounding dry land, thereby

benefiting everybody around you. In capitalism, the exchange of wealth is limited, whereas Islaam encourages freedom.

In capitalism, one may only take from the dam (amassed wealth), if one has a capital share invested in it, otherwise, it is impossible to partake therefrom.

Islaam, teaches us a different view. The one who has a excess of wealth, should take a portion therefrom and add it to the dam (of wealth), and those who are in need of it can come and take from there.

It is clear from this that these two, have completely different and conflicting ideologies. The two of them cannot be combined in one society. [Fiqh-e-Zakaat, page 714, vol.2]

Is Zakaat An Islamic Tax ?

Zakaat is not a tax. In fact it is a lofty form of Ibaadat. Some people have this extremely abject opinion regarding Zakaat, that it is a tax, just like the many taxes imposed by the governments. Whereas, Zakaat is not a tax imposed by any government. Nabi (sallallahu alaihi wasallam) did not collect Zakaat as one of the necessities of the Islamic government. In fact, it is clearly stated in the Hadith Shareef that Zakaat is collected from the wealthy and returned to the poor and needy in society.

Similarly, it is also absurd for the wealthy to consider that they are rendering a favour upon the poor. This is most certainly not so ! In fact, the poor are actually rendering a favour upon the wealthy, because they are the cause of the

wealthy depositing their wealth in the bank of the Aakhirah. Are you granting a service and favour to someone if you give him an amount of money to deposit in your bank account ? Since this is not regarded as a favour then neither is the Zakaat given to the poor a favour.

In the previous Ummats, that wealth given for the pleasure of Allaah Ta`ala, was not to be used by anyone. If money etc. was given as a sacrifice, it was to be placed at a place stipulated as a AQurbaan Gaah@ (place of sacrifice). Thereafter, if a fire descended from the sky and burnt this to ashes, then this was a sign of acceptance.

If it was not burnt, then it would lay there forever, and be regarded as accursed wealth, which nobody would touch.

It is a special blessing of Allaah Ta`ala upon this Ummat, that the wealth presented by the wealthy in the court of Allaah Ta`ala, is to be diverted to a specified group of persons (i.e. poor, needy etc.). In this great Blessing of Allaah Ta`ala, arrangements are made for the needy in a society, and it also saves the poor from living lives of disgrace and humiliation.

In short, Zakaat is not a tax, in fact it is a presentation in the court of Allaah Ta`ala. It is for this reason that Allaah Ta`ala has referred to it as a >Beautiful Loan= in the Qur`aan-e-Paak : *AWho is that one, who will give Allaah a beautiful loan, then (Allaah Ta`ala) will increase it (in the Aakhirah) for him manifold.@* [Surah Baqarah]

In this Aayat, Sadaqah is referred to as a loan, because a loan is >Waajibul Ada= (i.e. it is to be compulsorily repaid). Hence, the person giving Zakaat, and other charity, will be

recompensed in the Aakhirah with Thawaab and blessings, manifold. It does not imply, in any way that Allaah Ta`ala is in need for our wealth. Allaah Ta`ala is Totally Independent.

Therefore, the money etc. given to the poor, is first >presented= in the court of Allaah Ta`ala. It is thereafter, given to the poor from Allaah Ta`ala, Who is The Creator and Sustainer of all. [Aap ke Masaa`il, page 338, vol.3]

The difference between Zakaat and tax is that tax is used in running costs and expenses of a country, whereas Zakaat is dispensed to the poor and needy. Islaam has stipulated 8 persons who are worthy of receiving Zakaat. [Haqeeqat-e-Zakaat, page 58]

The Basic Difference Between Zakaat and Tax

There is a great difference between Zakaat and tax. Zakaat is a form of Ibaadat. Therefore, intention (at the time of giving it) is necessary. Sincerity of intention is also sought from the giver. There are specific recipients thereof. It is not permissible to spend it (Zakaat) upon non-Muslims and for general purposes. Zakaat, when given, becomes the property of the recipient. Zakaat has specific limitations (2 2 % of one=s wealth). It only becomes incumbent to give Zakaat, if one=s wealth reaches a certain amount (Nisaab) and a year has to pass over that wealth. Zakaat is only payable on some types of wealth, not all. All these laws are specified in the Qur`aan Majeed, and no one has the right nor option to change anything.
Contrary to this, tax is not an Ibaadat. It is spent for the running expenses of a government. It does not have any definite specification and limitations, nor is it only to be payed out of a certain type of wealth. There is no question

regarding intention and sincerity therein. It=s recipients are not specified as in the case of Zakaat. In fact, many a times taxes are levied oppressively. [Jadeed Fiqhi Masaa`il, page 165]

One Distinctive Speciality of Zakaat

One of the basic differences between Zakaat and tax lies in their names. The meaning of Zakaat, is to cleanse and purify. Zakaat is that specific amount and type of wealth specified by the Shariat, which is to be given to the poor. It is a means of blessings, both for the giver and the taker. It is a purifier of wealth for the giver.

The word tax, implies force and coercion. This is an >extortion= of wealth, taken from the wealthy. It is for this very reason that people have such a deep hatred and abhorrence for taxes.

Zakaat is a cleanser of the accumulated wealth of the wealthy and it also serves as a detractor of miserliness and stinginess. Wealth given in Zakaat, appears as a decrease in one=s wealth, whereas it is actually an increase. Allah Ta`ala says in Surah Baqarah : *AAllaah destroys Riba (usury / interest) and increases Sadaqah.@* [Fiqh-e-Zakaat, page 599, vol.2]

Is the Responsibility of Collecting Zakaat Upon the Government ?

Now the question arises; ASince Zakaat is not a tax, does the collection thereof lie with the government?@

The answer to this is that Islaam views the entire society as one unit. The entire administration there of is the responsibility of the government. The support and maintenance of the poor and needy of any society, is also the responsibility of the government. Islaam has prescribed Zakaat and Sadqah as the solution to this problem. The (Islaamic)government has to make the arrangements regarding the maintenance of the poor. Therefore (it is reported in a Hadith) the person who collects the Zakaat on behalf of the (Islaamic) government, is regarded as AA soldier in the path of Allaah@. [Abu Dawood / Tirmidhi Shareef]

Can Governmental Tax Be Regarded As Zakaat

The taxes collected by the government on trade profit and rentals cannot be regarded as Zakaat. Zakaat is a separate entity. [Fataawa-e-Darul Uloom, page 147, vol.6 - taken from Shaami, >Baabus Zakaat=, page 32, vol.2]

Is Zakaat Discharged by the Giving of Income Tax ?

MAS`ALA :** Income tax is an amount taken by the government for their expenses. Since Zakaat is a necessary Ibaadat and duty of a Muslim to Allaah Ta`ala, Zakaat will **not be discharged by the giving of income tax. In fact it is Fardh to give Zakaat separately. [Aap ke Masaa`il, page 387, vol.3]

Zakaat and the Ruling Authority

MAS`ALA : If the ruling authority is a just and pious Muslim, then he has all the right to collect Zakaat. He may distribute the wealth amongst the deserving.

MAS`ALA : If the ruling authority is an oppressor and a non-Muslim, then he has no right to collect Zakaat. If he takes it forcefully, then one has to see, if it is discharged and distributed correctly ? If it is distributed correctly, then fine, otherwise the people who gave the Zakaat, have to take out Zakaat again and distribute it correctly.

MAS`ALA : If a person does not give Zakaat, then the ruling (Muslim, just) authority, can jail him and demand the Zakaat. Zakaat cannot be extracted forcefully from him, because intention is a necessary condition for Zakaat. Obviously, if the money is forced out from him, then there will be no intention of Zakaat. [Ilm-e-Fiqh, page 31, vol.4]

Law Regarding Apparent and Hidden Wealth

**MAS`ALA :** The government can only collect Zakaat on apparent wealth. Every person should give the Zakaat on his hidden wealth, voluntarily. [Aap ke Masaa`il, page 341, vol.3]
[Note: >Apparent wealth= is goods prepared in a factory, goods in a business, money in a bank etc.
>Hidden wealth= is gold, silver or money kept at home or in a vault etc.(which no one knows about)]

MAS`ALA : We are presently in such an age where each person has to make his own arrangements regarding

Zakaat. He should follow the guidelines set down by the Shariat and take out and discharge his Zakaat. One should establish a special safe (or place) where one takes out the necessary amount of Zakaat every year, when it becomes binding upon one. If possible it should be immediately distributed, alternatively, it should be distributed whenever one has the opportunity to do so, when one finds deserving recipients. If under these present conditions (when there is no Islaamic government to make the necessary arrangements for Zakaat), one correctly discharges one=s Zakaat, there is great reward in it. This has been reported in the Ahaadith. May Allaah Ta`ala grant us all the Tawfeeq (guidance). [Ilm-e-Fiqh, page 41, vol.4]

Conditions Which Make Zakaat Waajib on A Person

9. One has to be a Muslim. Zakaat is not Fardh upon a Kaafir. If a Murtad (renegade) re-accepts Islaam, Zakaat will not be collected for the period when he was a Kaafir. [Kitaabul Fiqh Alal Mazaahibil Arb`a, page 960, vol.1]

10. To be Mature. Zakaat is not Waajib upon an immature child.

11. To be sane. Zakaat is not Waajib upon an insane person. It is also not Waajib on a person who is inflicted with a mental illness, whereby he becomes (permanently) mentally deranged. A person who was not insane from a young age or before maturity, will be exempted from Zakaat if his mental derangement lasts for over a year. If it does no remain for a full year then Zakaat will still be Waajib. However, if a person is insane since birth, then the whole year will be taken into consideration. If for example, during the year a person gets an attack of insanity once or twice, then Zakaat for that year will not be Waajib. In fact, the year should be counted as beginning from the time the insanity disappears. [Raddul Mukhtaar]

12. To be aware of the obligation of Zakaat, and to be in a Daarul Islaam. If a person is not aware of the obligation of Zakaat, or he does not live in a Daarul Islaam, then Zakaat is not Fardh.

13. To be free. Zakaat is not binding upon a slave. [Ilm-e-Fiqh, page 16, vol.4]

14. To be the owner of Zakaatable goods to the value of Nisaab, and to have it for a full year. Zakaat is not Fardh on goods which do not remain for a full year, eg vegetables etc. (on these commodities, i.e. vegetables, >Ushar= (1/10th) has to be given)

15. One full year has to pass over these goods. Zakaat will not be Fardh if a full year does not pass over the goods.

16. One has to have the Nisaab amount at the beginning and the end of the year, regardless of whether this amount fluctuates during the year. If at the beginning and the end of the year one does not have the Nisaab amount, then Zakaat will not be Fardh.

17. This wealth has to be free of debt. If one has a debt owing to Allaah Ta`ala, in the form of past Zakaat, Ushar etc., then the Muslim ruler has a claim against it. Similarly, if one has a debt owing to another person who has a claim over him. Outstanding >Mehr=, is also included in this. If the total amount of the debt outstanding, exceeds one=s assets, then Zakaat is not Fardh. If the debt one has is not such that any person has a claim over it, like Kaffaara on fasts broken on purpose, or an outstanding Hajj etc., then Zakaat will be Fardh. If one incurs a debt during the course of the year, then it should be regarded as though the money (to the value of the debt) is used up. Hence, as soon as the debt is paid or forgiven, the year will begin from that time upon one=s wealth.

18. One=s wealth has to be in excess of one=s necessities. That wealth which is intended for one=s own necessary use, there is no Zakaat thereupon. Therefore, there is no Zakaat upon one=s personal clothing, house (that one is living in), motor vehicles used for own use and other items intended for personal use, regardless of whether, this item is in daily use or not. Money to be used for necessities is also included here. However, if the money is not used up in the current year and is left for the following year, then Zakaat will be Fardh on it (provided it exceeds the Nisaab amount). [Raddul Mukhtaar]

19. The money has to be in one=s own or one=s representative=s possession. Zakaat is not Fardh upon that wealth, which is not in one=s ownership or possession, or which is in one=s possession but not in one=s ownership. Hence, Zakaat is not Fardh upon a pawn, neither upon the pawner nor the Pawnee. Similarly, Zakaat will not be Fardh on that wealth, which is missing for a year or more. Because, during that period one did not have possession of it. Similarly, wealth which is lost at sea. The same would apply to wealth which is buried and one forgets the hiding place. Until it is not found (after one remembers the place), Zakaat will not be Fardh upon it. Yes, if one knows the place of hiding, but does not use of that wealth for a long period, then Zakaat will be Fardh upon that wealth, even during its being hidden. If one leaves some money in trust with someone else, and then he forgets with whom he left the money, Zakaat will not be Fardh upon that wealth, until such time that he remembers. However, the condition is that the person with whom the money was left in trust with, is a stranger. If not, then Zakaat will be binding even during the period that one forgot who he left the money with. If money is snatched from a person, then as long as he does not recover the money Zakaat will not be binding upon him.

20. At least one of the following three conditions are to be found in the wealth (for Zakaat to be Fardh): 1. Cash, 2.

Have the potential to increase, 3. Intention of resale. Gold and silver have the quality of cash, therefore, Zakaat upon them will, at all times be Fardh, regardless of whether one has the intention of resale or not, or regardless of whether it is minted or not , or whether it is in a form of utensils or jewellery. Goods will only be Zakaatable, if one has an intention of trade for them, otherwise not, regardless of how valuable it is or what a priceless gem it might be. Goods for resale, will only be regarded as such if the intention was made at the time of purchasing. If after one purchase goods, then later one intends to resell it, this will not be considered, until one begins trading therein. If on the other hand one buys goods intended for resale, and thereafter, one decides not to resell it, then Zakaat will no more be binding upon that wealth. If thereafter he changes his mind again it will not be considered, until he begins trading therein.

21. The wealth should be free of another right over it. Example, Ushar (10% of crops) or Khiraj (land tax). One commodity cannot have two rights binding over it. [Ilm-e-Fiqh, page 21, vol.4]

Conditions for the Dispensing of Zakaat

22. One must be a Muslim. It is not correct for a Kaafir to give Zakaat. If a Kaafir gives Zakaat for many years (in advance), and thereafter he accepts Islaam, this advance payments of his are not considered, he will have to give Zakaat afresh.

23. Sanity. The Zakaat of an insane person or one deficient in understanding, will not be acceptable.

24. Maturity. The Zakaat of an immature child is not acceptable.

25. The intention of Zakaat must be made at the time of giving it to the recipient. At the time of giving one must make the intention in one=s heart that I am giving this as my Zakaat upon my wealth, for the pleasure of Allaah Ta`ala. If the intention was not made at the time of giving the money / goods, then if this is still present with the

recipient, one may still make the intention. If it is already spent by the poor person, then the intention for Zakaat will not be valid. One will have to give Zakaat again. If the giver of Zakaat makes this intention at the time of giving it to representative (manager, Zakaat organisation etc.) then it will suffice, regardless whether the representative makes an intention at the time of distributing or not. If the intention for Zakaat is made at the time when one separates his Zakaat from his wealth, then this is also sufficient. If, in this case he does not make an intention at the time of giving it to the poor, then this is also accepted.

26. The recipient of Zakaat, must be made the owner of the wealth, at the time of receiving. If one prepares food etc. at home and feeds the poor therewith, it cannot be regarded as Zakaat. Yes, if one hands this food over to the poor and makes him the owner of it, to do as he pleases with it and eat it wherever and whenever he wishes, then this is acceptable.

27. Zakaat must be given to one who is worthy of receiving it.

Zakaat Upon Wealth Which Has Been Destroyed

If a person=s wealth is destroyed after Zakaat has been made Waajib thereupon, then he does not have to give Zakaat, regardless of whether the time for his giving the Zakaat has already passed, or whether the Muslim ruler has already demanded it from him, and for some or other reason he has not yet discharged the Zakaat. Yes, if this person has purposely destroyed his wealth, for whatever reason, then Zakaat will still be binding upon him. For example, if he does not give his animals water to drink, and they all die of thirst etc. [Ilm-e-Fiqh, page 29, vol.4]

Zakaat for An Unconscious Person

MAS`ALA : If a person becomes unconscious, even if it lasts for an entire year then Zakaat still remains binding upon that person (provided he has the amount of Zakaat). [Fataawa-e-Aalamgiri, page 6, vol.4]

Zakaat Upon A Child and Insane Person

**MAS`ALA :** There is no Zakaat upon the wealth of an immature child. It is established from the Ahaadith that a child is >Ghair Mukallif= (not liable for Shar`i obligations) and they are >Marfoo`ol Qalam= (their actions are not recorded). All other Shar`i obligations, like Salaat, Roza and Hajj are also not binding upon them, similarly, Zakaat. [Fataawa Daarul Uloom, page 43, vol.6]

MAS`ALA : According to Imaam Abu Hanifah (rahmatullahi alaihi), Zakaat is not Waajib upon the wealth of an immature child and an insane person, hence this will not be extracted from their wealth by their guardians, because this is purely an Ibaadat, and immature and insane persons are not responsible for it. However, money may be used form their wealth to pay their debts and for maintenance (if they happen to be married). However, >Ushar= and Sadaqatul Fitr, is Waajib for them. [Al-Fiqh alal Mazaahibil Arb`a, page 960, vol.1 / Fiqh-e-Zakaat, page 142, vol.1]

MAS`ALA : There is no Zakaat upon the share of immature children which is kept in trust by their guardians etc. [Fataawa Daarul Uloom, page 76, vol.6 / Ahsanal Fataawa, page 268, vol.4]

MAS`ALA : As soon as a child becomes mature, then immediately thereafter time will be counted. [Aalimgiri, page 6, vol.4]

**MAS`ALA :** If the government, takes out Zakaat from the accumulated wealth (probably in a bank) of immature children, then this is incorrect. (Aap ke Masaa`il, page 345, vol.3]

**MAS`ALA :** Zakaat is Waajib upon a mature person. There are specific, well-known signs of maturity. If a boy or girl, reaches the age of 15 and still has not had any signs of maturity upto then, he / she will be regarded as being mature. [Aap ke Masaa`il, page 344, vol.3]

Is Zakaat Calculated According to the Islaamic Or Christian Calender ?

MAS`ALA : Zakaat is payable if a person has wealth, which remains in his possession for a year. The lunar (Islaamic) year is considered here, not the solar (christian) year. The lunar year has 354 days and the solar year sometimes has 365 days and sometimes 366 days. [Kitaabul Fiqh, page 964, vol.1]

**MAS`ALA :** Zakaat is calculated according to the lunar year and not the solar year. Hence, if one gives Zakaat according to the solar year then he has to give Zakaat for ten extra days. [Aap ke Masaa`il, page 362, vol.3 /

Fataawa Aalimgiri, page 13, vol.4 / Durrul Mukhtaar, page 50, vol.2 / Kifaayatul Mufti, page 145, vol.4]

Is the Date Or Month Considered in Zakaat ?

MAS`ALA : Zakaat is considered from the date. On the day when the year has passed, from that day on Zakaat becomes Waajib. Zakaat will become Fardh on the same day when it was Waajib in the previous year. [Fataawa Daarul Uloom, page 75, vol.6 - taken from Mishkaat Shareef page 157, vol1]

MAS`ALA : Zakaat will become Waajib upon a person on the same day that he became the owner of the Nisaab, the previous year. This will apply whether the Zakaat is given in advance or in arrears. Therefore it is necessary to specify a certain day. There will be no harm if there is a delay either way. [Aap ke Masaa`il, page 368, vol.3 / Aalimgiri, page 5, vol.4]

The Principle Regarding the Calculation of A Year for Zakaat

**MAS`ALA :** On the day when one became the owner of the Nisaab of Zakaat, the calculation of a lunar year will begin. At the end of that year, one will have to give Zakaat of whatever Zakaatable wealth one has in one=s possession (provided he still has the value of Nisaab or more). [Aap ke Masaa`il, page 367, vol.3]

**MAS`ALA :** The Shar`i ruling is as follows, on whichever day one becomes the owner of wealth to the value of Nisaab, Zakaat will become Waajib upon that person on the same day, the following year, regardless of which month it

is. At the end of that year, Zakaat becomes Waajib upon that person. [Aap ke Masaa`il, page 368, vol.3]

What If the Saahib-e-nisaab Does Not Remember the Date ?

On whichever date a person became the owner of wealth to the value of Nisaab, his Zakaat will be Fardh upon him on that day every year from then on (provided he still has wealth to the value of Nisaab). On that day, all the Zakaatable wealth one has, Zakaat will have to be given on that wealth, even if it only came into one=s possession a day before Zakaat became Waajib upon one. Zakaat should be discharged on that amount at any time, the sooner the better. If during the year, one had wealth less than the Nisaab, but on the specified day when Zakaat is due, this amount was replenished, then Zakaat still remains Waajib. However, if ***no*** wealth remains with one, during the year, then as soon as one again becomes Saahib-e-Nisaab, this date will be specified. If one forgets the Lunar date when Zakaat is due upon one, then one has to estimate as accurately as possible, and specify that date which is overpowering in one=s mind as being correct. If no date comes to mind, even after estimation, then one has to specify a (new)lunar date. [Ahsanul Fataawa, page 255, vol.4]

The Year-end is Considered

MAS`ALA : At the end of the lunar year, whatever wealth remains with one (provided it is to the value of Nisaab or more), Zakaat will have to be given on it. For example, if a person had wealth to the value of Zakaat Nisaab on the 1st of Muharram, then on the 1st of Muharram of the following year one has to give Zakaat on whatever Zakaatable wealth

one has, regardless of whether it came into one=s possession two months previous to this date or two days.

Hence, whatever wealth came into one=s possession during the year will be added at the end of the year to all the others, and it will not be calculated separately. In fact, a full year will not pass over that wealth which one obtained during the course of the year. Zakaat will have to be given on the specified day when one had the Nisaab amount, therefore some of the wealth one will be giving Zakaat for will, in effect not have a full year passed over it. [Aap ke Masaa`il, page 362, vol.3]

When is the Following Year Calculated From, If Zakaat Was Not Discharged ?

MAS`ALA : If Zakaat was not given the previous year, and the next year had begun, then Zakaat must be calculated on the goods as at the last day of the previous year, and this should be given as Zakaat for the previous year. From the next day thereafter, the following year will have begun and Zakaat from then on should be included for the following year. [Aap ke Masaa`il, page 368, vol.3]

Should Zakaat Only Be Given in Ramadaan ?

MAS`ALA : Zakaat can be given at any time of the year, it does not necessarily have to be given in Ramadaan only. Zakaat must be calculated from the day when one became the owner of the Nisaab amount. For that person whose Zakaat becomes due in Ramadaan, he should give it in Ramadaan. It is not necessary that Zakaat given in Ramadaan is increased in Thawaab by 70 times. [Fataawa Daarul Uloom, page 100, vol.6]

MAS`ALA : There is no specific day (determined by the Shariat) when Zakaat has to be given. However, there are some days during the year which are more blessed than others, like Ramadaan Shareef. In this month Sadaqah is more virtuous. But, it is extremely necessary, that Zakaat be given on the day when it falls due. {It should not be delayed to Ramadaan.} [Fataawa Daarul Uloom, page 72, vol.6 from Shaami, page 15, vol.2]

What If Zakaat is Delayed Until Ramadaan ?

MAS`ALA : Many people have the habit of giving their Zakaat during the month of Ramadaan, thinking it to be 70 times more virtuous than at other times. Hence, they start their calculations from Ramadaan. Sometimes it may be that a person became the owner of Nisaab a few months before Ramadaan, then when he gives his Zakaat in Ramadaan he gives for those few months, and thereafter he gives for the full year in Ramadaan thereafter.

On the other hand if a person=s Zakaat becomes due a few months after Ramadaan, and he gives it in Ramadaan, then if he gives Zakaat on the wealth he has at that time it will be incorrect. He has to take into consideration the wealth he has (will have) , on the date his Zakaat becomes due. Therefore if he gave an amount in Ramadaan and, on the day his Zakaat becomes due (i.e. a few months after Ramadaan), he has more wealth than he had in Ramadaan, then he will have to give the difference.

If in Ramadaan, this person gave Zakaat, estimating in the anticipated wealth he may have at the end of his year (when his Zakaat becomes due), then on the day when his

Zakaat becomes due, he must now calculate the amount of Zakaat due upon him on his present wealth. If he had given less than what was due from him, then he must give the difference, if it is in excess, then he may regard it as forward payment for the next year. [Imdaad Masaa`il-e-Zakaat, page 34-6]

Nisaab of Zakaat - Past and Present Calculation Methods and Scales

MAS`ALA : The Nisaab for silver is 200 Dirhams (i.e.52 2 Tolas). The Nisaab for gold is 7 2 Tolas. If a person has jewellery made up of gold and silver, then the gold must be valued and added to the silver, and Zakaat must be given. It is Waajib to give 1 /40th portion for Zakaat. [Fataawa Daarul Uloom, page 43, vol.6]

MAS`ALA : The Nisaab for gold is 7 2 Tolas, which is equivalent to 87.479 grams. The Nisaab for silver is 52 2 Tolas, which is equivalent to 612.35 grams. If a person has different types of Zakaatable wealth, then it has to be valued. If the total value of all the goods are equal to the present value of 87.479 grams of gold or 612.35 grams of silver, then Zakaat is Waajib.

Summary of Nisaab

The summary of the Nisaab of Zakaat is: 7 2 Tolas of gold, which is equivalent to 87.479 grams. The Nisaab for silver is 52 2 Tolas, which is equivalent to 612.35 grams. If a person has different types of Zakaatable wealth (gold, silver, cash and goods in trade), then it has to be valued. If the total value of all the goods are equal to the present value of 87.479

grams of gold or 612.35 grams of silver, then Zakaat is Waajib. [Ahsanul Fataawa, page 254, vol.4 / Fiqh-e-Zakaat, page 201, vol.1]

What is the Meaning of Nisaab ?

Nisaab is that amount specified by the Shariat, which, if a person owns, will make Zakaat Fardh upon him. For example, if a person owns from 5 upto 25 camels, or 40 to 121 sheep etc. [Aalimgiri, page 7, vol.4]

Which Nisaab is to Be Used for Cash ?

If a person has cash, which Nisaab should he use ? Gold or silver ? A person can use either of the two. The better, safer and more precautionary one to use is the one which lesser in value. Therefore, if one=s wealth reaches any of the two first, that one should be used.

When A Person Does Not Know When He Became A Saahib-e-nisaab

MAS`ALA : According to one=s most accurate estimation, Zakaat became Waajib when one became the owner of the Nisaab. Zakaat for all the previous years must be given, to the best of one=s estimation. As a precautionary measure, one should give a bit more, than what was estimated, for example, if one had estimated 2 2 years, then one should give for 3 years. To give more is better and worthy of more Thawaab, but in giving less, there is a fear of punishment. [Fataawa Daarul Uloom, page 44, vol.6]

What is the Ruling Regarding the Person Who Does Not Give Zakaat Due to Negligence ?

MAS`ALA : If a person was negligent in discharging his Zakaat, then he has to give it the following year, together with the Zakaat for that year. [Fataawa Daarul Uloom, page 65, vol.6 from Durrul Mukhtaar, page 9, vol.2]

The Wealth Accumulated During the Year by the Saahib-e-nisaab

MAS`ALA : If a person became a Saahib-e-Nisaab, then the year following that (i.e. on the same date when he became Saahib-e-Nisaab), he has to give Zakaat on ***all*** his wealth that he has with him at that time, regardless, of when he acquired wealth during the course of the year. It may happen that some of the wealth he is giving Zakaat on, did not remain with him for a full year. [Aap ke Masaa`il, page 356, vol.3 / Ilm-e-Fiqh, page 30, vol.4]

What is the Nisaab of Zakaat in Cash Terms ?

MAS`ALA : If one owns money (cash) to the value of 52 Tolas silver, then Zakaat becomes Waajib upon such a person. 1/40th (2 2 %) of one=s money should be given as Zakaat. [Bahishti Zewar, page 23, part 3 from Durrul Mukhtaar, page 134, vol.1 / Fataawa Raheemia, page 213, vol.3 / Fataawa Mahmoodia, page 50, vol.3]

Rule Regarding Little Gold (Less Than the Nisaab), Together with Cash

MAS`ALA : If a person has gold which is less than the Nisaab for Zakaat, and together with this he also has money which exceeds the Nisaab value, he has to give

Zakaat on both, i.e. on the day when his Zakaat falls due, he has to calculate 2 2 % of the total value of the money plus the value of the gold and give the Zakaat on this total. [Aap ke Masaa`il, page 356, vol.3]

Rule Regarding Little Gold (Less Than the Nisaab)

**MAS`ALA :** If a person only has gold, which is less than the Nisaab of Zakaat, then he does not have to give Zakaat thereupon. [ Aap ke Masaa`il, page 359, vol.3]

Rule Regarding Little Gold and Silver (Less Than the Nisaab)

MAS`ALA : If a person has little gold and silver (in the form of jewellery). Each of the two are less than their respective Nisaabs. Zakaat has to be given on the combined value of the two, if it reaches the Nisaab value of either one of them. [Fataawa Daarul Uloom, page 123, vol.6]

Ruling Regarding Goods / Wealth, Whose Value (Price) Increases and Reaches the Nisaab

MAS`ALA : If a person has some goods-in-trade, which does not reach the Nisaab of Zakaat. However, after a certain period the market value of these goods increase, and reaches Nisaab. Zakaat, then becomes Waajib from the day the value of these goods reached the Nisaab amount.

MAS`ALA : Every item of wealth that reaps some sort of benefit during the year, this benefit has to be added to the original value of the item itself. At the end of the year, Zakaat has to be given on this benefit reaped, together with the item itself, ***if*** the item itself is a Zakaatable item.

(Therefore if the item is not Zakaatable, no Zakaat has to be given on both). [Ilm-e-Fiqh, page 30, vol.4]

Taking of Zakaat From A Saahib-e-nisaab Without His Permission

MAS`ALA : If there is a person who has Zakaat which is binding upon him, but does not discharge it. Then a poor and needy person ***does not*** have the right to take wealth from this wealthy person with the intention of Zakaat. If this happens, then the wealthy person has the right to reclaim his wealth, and take it back from the poor person, if he still has it with him. If the poor person has already used up this wealth, then the poor person will be responsible for this amount of money. [Fataawa Aalimgiri, page 28, vol.4]

Forcefully Taking Zakaat From A Wealthy Person

MAS`ALA : It is ***not permissible*** for anyone (in power or otherwise) to extract Zakaat, Fitra or Qurbani from a wealthy person. [Fataawa Daarul Uloom, page 286, vol.6 / Fataawa Mahmoodia, page 145, vol.11]

What is Dharoorat-e-aslia (Necessities)

MAS`ALA : Zakaat is *not* Waajib upon that wealth and goods, which are for a person=s needs and necessities, for example, home for living in, clothes for wearing, household furniture, means of transport (car, motorcycle, horse etc.), weapons and utensils in use. Household utensils and other such commodities which are for personal use, but are not in daily use, rather they are regarded as a luxury, Zakaat is also

***not* Waajib on these, *except gold and silver*. Similarly, Zakaat is *not* Waajib upon pearls, rubies, diamonds and other precious stones, which are not for resale. There is *no* Zakaat upon that cash or gold coins used for personal expenses. There is also *no* Zakaat upon kitaabs used for personal research or reading, or upon equipment used for one=s trade. (All these are included amongst Dharoorat-e-Aslia) [Fataawa Aalimgiri, page 7,vol.4 / Ilm-e-Fiqh, page 14, vol.4]**

Are Nikah Expenses Regarded As Necessities ?

MAS`ALA : If children become mature, then their Nikah (expenses incurred during and after the marriage) is not a binding responsibility upon the father. This responsibility is that of the mature children themselves. If the children are still immature, then their Nikah is not in the first place even necessary.

The Nikah of children is ***not*** amongst the Dharoorat-e-Aslia. The expenses of the married couple (children) will be the responsibility of the father, ***only if they (married couple) are minors***. This also, will only be so if the children do not have the necessary wealth in their ownership. If the children own enough wealth, then their expenses will be taken from their wealth, and this responsibility is not that of the father=s. [Fataawa Mahmoodia, page 93, vol.3]

MAS`ALA :** The expenses for disabled children, (mature or immature) is that of the father. Hence, their daily expenses, may be regarded as Dharoorat Aslia. However, the expenses incurred for a Nikah, (wedding ceremony and any other such ritual (and Bid`a) custom), is ***not* regarded as a Dharoorat-e- Asli. This cannot also be used as an

escape for the discharging of Zakaat. [Kifaayatul Mufti, page 144, vol.4]

What is Zakaatable ?

MAS`ALA : Zakaat is Fardh upon the following things :

28. Gold, which is in excess of 7 2 Tolas (87.479 grams)
29. Silver, which is in excess of 52 2 Tolas (612.35 grams)
30. Cash money and goods in trade, which exceed the value of 52 2 Tolas of silver.

NOTE: If a person has a combination of wealth (cash, goods in trade, gold and silver), and if the total value of all these exceeds the Nisaab of silver (or gold), then Zakaat is Waajib on the total amount, even if any one of them in isolation is very small in value.

31. Besides the above, Zakaat is also Waajib upon grazing animals
32. Zakaat is also Waajib upon the crops of an >Ushri= land. This is known as >Ushar= (explained later, Insha-Allaah). [Aap ke Masaa`il, page 354, vol.3 / Ahsanul Fataawa, page 287, vol.4 / Kitaabul Fiqh, page 968, vol.1 / Ilm-e-Fiqh, page 22, vol.4]

Is Zakaat Fardh Every Year ?

MAS`ALA : If Zakaat was given upon some cash or jewellery once, then it has to be given every year thereafter, regardless of whether this wealth has profited one or not, provided the value thereof is still of Nisaab value. [Fataawa Daarul Uloom, page 47, vol.6 / Kifaayatul Mufti, page 144, vol.4]

How is it to Delay the Paying of Zakaat ?

MAS`ALA : As soon as Zakaat becomes binding upon one, then it has to be given immediately. One should not delay

in discharging a good action, lest death should overtake one. If a person delays his Zakaat for a year, and has still not discharged it by the second year, he will be a sinner. He should repent and discharge the Zakaat for both the years. It should not be left longer. Any Zakaat that one has outstanding for the previous years should be immediately discharged. [Fiqh-e-Zakaat, page 362, vol.2]

The Rule Regarding the Intention in Zakaat

The intention is of utmost importance. An action is based upon its intention. Therefore, an intention must be made at the time of discharging one=s Zakaat, or at the time when the Zakaat is taken out from one=s wealth and kept aside. If one takes out and gives wealth, intending it to be Zakaat, but at the time of giving it, (during the course of the year), one does not make an express intention, then the Zakaat will ***not*** be discharged. If at the time of giving, one is asked : AWhat is this (money) for ?@ , and one replies : AZakaat@, then this is sufficient as an intention. If one makes this intention that whatever one gives during the year as Sadaqah, is for one=s Zakaat, then this is not accepted as Zakaat.

MAS`ALA : If at the time of giving one=s wealth to a representative (Zakaat organisation etc.), one makes the intention of Zakaat, then it is sufficient. (NOTE: It is best to discharge one=s Zakaat oneself. If it is given to an organisation etc. one has to absolutely certain regarding their integrity).

MAS`ALA : For the validity of Zakaat. The intention of the mandator (one entrusting the Zakaat), is taken into

consideration, not that of the representative (the one entrusted with the Zakaat).

MAS`ALA : If a person gives money to a representative to distribute as Zakaat, but he (mandator) changes his intention for that money, then this new intention for the money will be accepted, ***provided the money is still with the representative, and he has not yet distributed it.***

MAS`ALA : If a poor person=s >Amaanat= (entrusted article) is destroyed whilst in the care of the person it was placed in trust with, and this matter is judged (in court) in favour of the poor person, so the latter decides to pay out this poor person in lieu of the trust, and he makes the intention of Zakaat when giving this money, then his Zakaat will ***not*** be discharged. [Fataawa Qadhi Khaan]

**MAS`ALA :** If money is given to a poor person. The giver only makes an intention of Zakaat, after he gives this money. His intention will only be valid if this money is still in the possession of the poor person. If he has already spent this money, then the Zakaat will not be valid. [Bahr Raa`iq / Aini / Hidaaya / Fataawa Daarul Uloom, page 79, vol.6]

MAS`ALA : If someone had given Zakaat for another person, from his (latter=s) wealth, without his permission. Then the latter accedes to this, his intention will only be valid for Zakaat, if this money is still in the possession of the recipient, otherwise not.

MAS`ALA : If a person gives all his wealth in charity, but at the time of giving it he does not make the intention of Zakaat, the responsibility of Zakaat will fall away for him.

Although, Zakaat is not valid without intention, this person=s Zakaat will be dropped off because he has no wealth remaining with him. [Aalimgiri, page 5, vol.4]

MAS`ALA : Although, the making of an intention whilst separating one=s Zakaat from one=s wealth is Khilaaf-e-Usool (contrary to principle) it will be accepted because it is difficult for one to make an intention for each recipient one is giving Zakaat to. Therefore, one intention, when taking out the Zakaat amount will suffice. However, the Zakaat will not be regarded as being discharged merely by the separation of the Zakaat amount, it will only be discharged once it is given to the recipient. [Fiqh-e-Zakaat, page 331, vol.1]

Zakaat Given Without Intention ?

MAS`ALA : That wealth given without the intention of Zakaat, will not suffice as Zakaat. [Fataawa Daarul Uloom, page 336, vol.6]

Can One=s Family Give Money (On One=s Behalf) With The Intention of Zakaat?

MAS`ALA : If a person has given his family members permission to give Zakaat on his behalf, and they do so then it will be valid. If Zakaat is given without one=s permission, then if the money given is still with the recipient (i.e. he has not spent it), then the intention made by one at that time will be valid, otherwise not. [Fataawa Daarul Uloom, page 101. Vol.6]

Does the Entire Family Receive the Reward for the Zakaat Given by One ?

If a one person from a family gives charity on behalf of all, from their combined wealth, then all of them will receive the reward thereof. [Fataawa Daarul Uloom, page 340, vol.6]

**MAS`ALA :** If Zakaat is given, but due to some valid Shar`i reason, this Zakaat is not regarded as being discharged, then the giver will receive the reward. A*Surely Allaah Ta`ala will not destroy the reward of the good doers.*@ {Aayat} [Fataawa Daarul Uloom, page 333, vol.6]

What is the Ruling Regarding That Person Who Passes Away Before Giving His Zakaat (Which Was Due) ?

MAS`ALA : If a person has outstanding Zakaat, and he passes away without having made a bequest for the payment of this Zakaat, then it cannot be payed from his estate. (If he has made a bequest, then the Zakaat should be given therefrom, as long as it does not exceed 1/3rd the estate.) [Fataawa Darul Uloom, page330, vol.6]

The Zakaat of the Deceased Husband

**MAS`ALA :** The widow of a deceased husband is not responsible for his outstanding Zakaat. He will be a sinner for not having discharged his Zakaat. However, if any of the heirs gives this outstanding amount of their own free will, then this will be meritorious. [Aap ke Masaa`il, page 247, vol.3 / Fiqh-e-Zakaat, page 380, vol.2]

A Person Passes Away After Zakaat Becomes Waajib Upon Him

MAS`ALA : If a person passes away after Zakaat becomes Waajib upon him, then it should ***not*** be taken out from his wealth. If he has made a bequest, then it may be taken out from 1/3rd of his estate. If this 1/3rd is not sufficient, then the heirs, may, ***if they wish***, add the balance. [Ilm-e-Fiqh, page 31, vol.4]

A Person Passes Away After Separating the Zakaat Amount From His Wealth

MAS`ALA : If a person has taken out some wealth with the intention of Zakaat, and he passes away, then if he has made a bequest regarding it, it should be given as Zakaat, as long as it does not exceed 1/3rd his estate. If a bequest was not made regarding it, it should be added to the inheritance and distributed amongst the inheritors. [Ahsanul Fataawa, page 265, vol.4]

Is Cash (Paper Money) Also Regarded As Wealth ?

Gold and silver are given importance and preference in the Shariah because they are the means of acquiring goods. One cannot wear, eat, cover oneself etc. with gold or silver, but they can be used to buy the things needed for these amenities. Cash (paper money), is generally accepted, in present times as the means of exchange, although the paper in itself appears worthless, however, it can be used to buy even gold or silver, hence it (cash) is regarded as wealth. In the Qur`aan Shareef there are many Aayaat wherein Allaah Ta`ala refers to ARizq@ (sustenance). Every literate person knows that ARizq@ does not refer only to

food and drink, it is anything, which in common terms is regarded as wealth. Hence, a person, who has no gold or silver, but he has millions of rands with him, is not regarded as a pauper or poor person, he is a wealthy person. Money, all over the world, in present times is the basic currency and means of exchange, hence it is regarded as wealth. In other Aayaat in the Qur`aan Shareef, Allaah Ta`ala uses the word ΑMaal@, referring to wealth. ΑMaal@ is anything which can be used to acquire other things, hence paper money is included in this definition.

Why is Gold and Silver Granted Significance ?

Gold and silver are two such commodities, which are rare, valuable and precious. Allah Ta`ala had granted them significance, in that they can be used as a means of exchange, whereby one can acquire all one=s needs through their medium. Their general use in this regard has given rise to the Shariah specifying them as a basis for Zakaat. They are considered, regardless of the form they may be in (i.e. raw, minted or as utensils) [Fiqh-e-Zakaat, page 321, vol.1]

Mankind has always used gold and silver as a basis and a currency of exchange. Monetary values all over the world are evaluated according to the value of these two metals. Islaam has also kept this system, keeping in mind its being generally accepted and used. These two metals are also used as a measure in the Shariah. [Aalimgiri, page 20, vol.4]

Why Such A Big Difference Between the Nisaabs of Gold and Silver ?

During the era of Nabi (sallallahu alaihi wasallam) and for some time after that as well the difference between gold and silver was equivalent to the difference between their respective Nisaabs. [Fataawa Daarul Uloom, page 107 from Durrul Mukhtaar, page 42, vol.2]

Why is There Zakaat on Gold and Silver ?

Gold and silver (in their minted or jewellery form), which are not used for trade, will eventually become depleted after years of giving Zakaat thereupon. These metals (as well as money) were created for trade. Hence if one does not use it for the purpose that it was created for, then the Shariah cannot be held responsible for it. A person should use these items for the purpose they were created, and thereby allowing them to increase all the time. If a person decides to rather keep them idle and stagnant, then the Shariah cannot be blamed for their eventual depletion. [Imdaad Masaa`il-e-Zakaat, page 40]

MAS`ALA : The Shariah has stipulated Zakaat upon wealth, for the reason that it should stimulate one to put one=s wealth to good use (trade), thereby increasing it and also benefiting society. [Fiqh-e-Zakaat, page 1, vol.1]

MAS`ALA : As long as a person has money and jewellery to the value of Nisaab, he / she has to continue giving Zakaat. This is not Khilaaf-e-Qiyaas (contrary to analogy), because a person who is the owner of Nisaab is regarded as a wealthy person, and such persons should necessarily assist and support the poor and needy. [Fataawa Daarul Uloom, page 53, vol.6]

A benefit of Zakaat is that a person is dissuaded from accumulating wealth and leaving it lying idle. Wealth is meant to circulate in society, thereby benefiting the society as a whole and the individuals thereof. Wealth lying idle harms the society, because this wealth has the ability of increasing, and the person who is supposed to put it to use is keeping it stagnant, thereby preventing it from executing it=s created purpose.

What If A Muslim Writes That He / She is A Non- Muslim, Out of Fear for Having Zakaat Extracted (By Islaamic Government) From Their Wealth (In Bank Etc.) ?

If a Muslim (voluntarily) states that he /she is a Non-Muslim, then this is Kufr. If it is done out of fear of Zakaat being extracted from one=s money then it is double Kufr. The person who does this, and the person who gives such Mashwera (advice), that one should write oneself as non-Muslim, are both Kaafir. They must renew their Imaan, and if they are married, they must renew their Nikaahs as well. [Aap ke Masaa`il, page 343, vol.3]

To Gift One=s Wealth in Order to Escape Zakaat

MAS`ALA : If a person gives his wealth (in order to escape Zakaat) as a gift to someone before Zakaat becomes Waajib upon him, then he takes it back after a while, then although Zakaat will not be binding upon this person, this act is Makrooh-e-Tahrimi. In this way one is depriving the poor of their rightful dues and one is also closing the doors of Zakaat. [Ilm-e-Fiqh, page 34, vol.4]

Ruling Regarding A Saahib-e-nisaab Who Loses His Wealth

MAS`ALA : If a person is Saahib-e-Nisaab, and a full year passes over his wealth, but before he could give his Zakaat, all his wealth is stolen or he loses it in some other way, then Zakaat will be forgiven for this person. However, if one ***purposely and willfully*** gives his wealth away to someone or he destroys it (after Zakaat becomes Waajib), he will still be liable for Zakaat. [Bahishti Zewar, page 27, vol.3]

MAS`ALA : If the wealth is given as charity after the year has passed on it, then the Zakaat will be forgiven. [Ibid]

MAS`ALA : If a person became Saahib-e-Nisaab, but during the year 2 his wealth is stolen or he gives it as charity, then at the end of the year if he still has the other 2 of the Nisaab, he has to give Zakaat (2 2 %) on this money, and the Zakaat on the other 2 is forgiven. [Ibid]

What is The Ruling Regarding That Gold Or Silver, Whose Zakaat Was Given in Cash.

If a person has gold or silver, slightly above the Nisaab level, and he gives Zakaat thereupon in cash money. Now, the following year if he still has the same amount of gold / silver, he has to give Zakaat thereupon again, although, if the value (in terms of gold / silver) of the cash given in Zakaat the previous year, if deducted from the gold / silver will bring it to below the Nisaab amount. Yes, if a person gave his Zakaat from that very same gold / silver, then the following year he will have gold / silver less than the Nisaab amount (and if he has no other Zakaatable wealth), then he will not have to give Zakaat. [Aap ke Masaa`il, page 366, vol.3]

MAS`ALA : The same will apply to cash money. If one has the Nisaab, and he discharges his Zakaat thereupon, then the following year if the balance is still more than the Nisaab, then he will again have to give Zakaat thereupon. If this money no more remains above the Nisaab amount, and a person does not have any other Zakaatable wealth, then Zakaat is not Waajib. [Kifaayatul Mufti, page 154, vol.4]

Is There Zakaat on Paper Money ?

MAS`ALA : When cash money reaches the value of Nisaab, then Zakaat is Waajib thereupon. [Fataawa Daarul Uloom, page 83, vol.6]

MAS`ALA : Zakaat becomes Waajib upon that cash which is Nisaab amount (and more) and a year passes over it. [Fataawa Daarul Uloom, page 163, vol.6]

MAS`ALA : There is a consensus of opinion amongst the Ulama that Zakaat is Waajib upon cash (paper money). This has taken the place of gold and silver as the official currency of exchange. [Kitaabul Fiqh, page 984, vol.1 / Fiqh-e-Zakaat, page 365, vol.1]

Why is There Zakaat Upon Accumulated Money (Paper Notes) ?

MAS`ALA : Cash money is meant to be used for trade and not to be accumulated. Its accumulation does not cancel the obligation of Zakaat. [Kifaayatul Mufti, page 145, vol.4]

Is There Zakaat Upon Postage Stamps ?

Postage stamps (current) are regarded as necessities, hence Zakaat upon them is not Waajib (unless offcourse

one intends to resell them). Old stamps which are collected, are also non Zakaatable, if they are collected as a hobby, because then they have no real value. If they are collected for reselling (owing to their value), then Zakaat will also not be Waajib on the stamps, because their values are not fixed, and one cannot place a specific value upon any one of them. After they are sold, and the proceeds therefrom are of Nisaab amount, and it passes in one=s possession for over a year, then Zakaat will be Waajib, on this money.

Ruling Regarding Money Kept for Necessities

If a person accumulates a considerable sum of money, for his forthcoming expenses (eg. An unmarried person saves for after his marriage), then if this money remains with him for a year, Zakaat thereupon is Waajib. If he spends it on a house or furniture etc. before the year finishes, then Zakaat will not be Waajib (if he does not have Nisaab amount remaining). [Ahsanul Fataawa, page 291, vol.4]

**MAS`ALA :** If money ( of Nisaab amount) is kept aside for a specific purpose (eg. One=s sister=s marriage), then Zakaat will be Waajib on this wealth, if a year passes over it. [Aap ke Masaa`il, page 363, vol.3]

MAS`ALA : Zakaat will be Waajib on that wealth that one has saved for his / her own expenses, if a full year passes over it. [Fataawa
Daarul Uloom, page 64, vol.6]

Is the Zakaat for the Wealth of All the Occupants of A Dwelling Binding Upon the Head of the House ?

Each person is responsible for their own Zakaat. As long as the person owning the Nisaab amount of wealth (jewellery, cash etc.), is one upon whom Zakaat (mature, sane etc.) is binding and a full year passes over that wealth, then that person has to give his / her own Zakaat. If that person does not have sufficient cash to give as Zakaat, then the jewellery or the Zakaatable wealth, in whatever form, has to used to give the proportionate amount of Zakaat. [Aap ke Masaa`il, page 350, vol.3]

NOTE: Zaid can give Zakaat for Umar with Zaid=s money, but he must have Umar=s permission. If the Zakaat is given by Zaid, without Umar=s permission, or without Umar being aware of it, then this Zakaat will not be discharged. (Even if Umar agrees to it ***later on***).

Zakaat on Combined Wealth

If there are members of a family, who pool their earnings and give it to the mother (for example), then she does the buying. If jewellery is bought with this money (probably for future use, when the sons marry), then if this jewellery has to valued and divided amongst the brothers equally. If each one=s share is the Nisaab amount, then Zakaat has to be given by them [Aap ke Masaa`il, page 58, vol.2]

MAS`ALA : If a few people are partners in some wealth, then if each share is equal to the Nisaab amount, Zakaat is Waajib, otherwise not. [Ilm-e-Fiqh, page 28, vol.4]

Ruling of That Money Kept in the Possession and Control of Others

If an immature child=s wealth was kept (in trust) with someone else, and he received it, and gained control over it only at the age of 22 years. He will only have to give Zakaat thereupon, one year after he has received it. He is not liable for Zakaat, for the previous years. [Fataawa Daarul Uloom, page 55, vol. 6]

Who Pays Zakaat Upon Wealth Earned by Son and Father ?

If a son leaves his earnings with his parents, and they have the right to spend therefrom as they please, the Zakaat upon this wealth, is biding upon the owner of the wealth, i.e. the son.

If father and son, both pool their earnings, and the father takes full control thereof, then he (father) also has to see to the Zakaat payable on this wealth (if any). [Fataawa Daarul Uloom, page 70, vol.2]

Zakaat for the Traveller

MAS`ALA : Zakaat is also Waajib upon the traveller. His deputy (at home) has the power over his wealth, hence he (traveller) must have made the arrangements for the payment of his Zakaat, if it falls due whilst he is away. [Fataawa Aalimgiri, page 7, vol.4]

Is There Zakaat on Jewellery on Which is in (Daily) Use ?

According to the Hanafi Mazhab, ***Zakaat is Waajib upon (gold and silver) jewellery, whether in use or not,*** as long as it is of Nisaab amount and a year passes over it. [Hidaayah, page 77, vol.1 / Aap ke Masaa`il, page 364, vol3 / Fataawa Daarul Uloom, page 117, vol.6]

According to the Hanafi Mazhab, ***Zakaat is Waajib upon gold and silver ,whether it is in the form of jewellery or utensils etc., whether it is for men or women, whether in use or not,*** as long as it is of Nisaab amount and a year passes over it. [Kitaabul Fiqh, page978, vol.2]

Zakaat on Lost Jewellery

If jewellery or other Zakaatable wealth is spent or used up, then if Zakaat was Waajib upon it for previous years, it has to be payed. If it gets (genuinely) lost, then Zakaat for the previous years is also dropped off. If it is found thereafter, then the following will apply : If it is found after the Zakaat year has passed, then there will be no Zakaat for the duration of the loss. If it is found before the year is over, then, if one has other Zakaatable wealth, which is Nisaab amount, then Zakaat must be given for this jewellery also. If one has other Zakaatable wealth, which is below Nisaab, then a full year has to pass over this jewellery before Zakaat becomes Waajib upon it. [Imdaadul Fataawa, page 23, vol.2]

Zakaat Upon Jewellery

If a person acquires different jewellery over a period of time, then the Zakaat will be paid as follows : One should take note of the date when one had become a Saahib-e-Nisaab. This will include all types of Zakaatable wealth, not only jewellery. So if one had in his possession wealth (cash, goods in trade) to the value of Nisaab on the 1st of Safar of a certain year, then on the same date the following year he has to give Zakaat on ***all*** his Zakaatable wealth, including jewellery which may have come into his possession during

that year, even if it came into his possession a day or two prior to the 1st of Safar.

Zakaat is only Waajib upon gold and silver jewellery, not on pearls, rubies, diamonds and other precious stones and metals. (If these other precious stones etc. are for resale, then Zakaat will be Waajib thereupon also).

Wife Has Jewellery and Husband Debts

MAS`ALA : If a wife has jewellery to the amount of Nisaab, and no debts, and the husband has debts. At the time of giving Zakaat (wife), these debts of the husband are ***not deductible*** from the calculations of Zakaat. If the wife has debts, then these debts of hers are deductible from the calculation of Zakaat. [Aap ke Masaa`il, page 347, vol.3]

Is the Husbands Permission Necessary for the Dispensing of Zakaat ?

MAS`ALA : If the husband has jewellery made for the wife, but she is not given ownership thereof, as is vogue in some places, then the husband is liable for the Zakaat thereof. If Zakaat is not given on this jewellery (in this instance), then the husband is a sinner, and not the wife. If this jewellery belongs to the wife (i.e her parents gave it to her or the husband gave it to her), then she is responsible for the Zakaat thereof (if it is Nisaab amount and a year passes over it). When she gives the Zakaat (whether with her own cash, or she gives part of the jewellery), she does ***not*** need the husband=s permission. [Fataawa Daarul Uloom, page 120, vol.6]

If the husband gives the Zakaat, from his own money, then it will be correct ***only if the wife is aware thereof and she accedes to it.*** [Fataawa Daarul Uloom, page 121, vol.6]

Jewellery Made for the Daughter Before Her Marriage

If jewellery is made for one=s daughter, and she is made the owner thereof, then if she is still not mature, she will not have to give Zakaat thereupon, until she attains maturity. If she is not made the owner thereof, then whoever the owner is (father or mother), will have to give the Zakaat. [Fataawa Mahmoodia, page 126, vol.11]

Upon Whom is the Zakaat of Jewellery Mehr (Dowry) ?

MAS`ALA : Mehr becomes the property of the wife, hence she is liable for Zakaat thereof. [Fataawa Daarul Uloom, page 54, vol.6]

Family Custom And Practice

Amongst some families they have the custom that jewellery is kept in the family, and the husband gives his wife therefrom, without her becoming the owner. In this case she is not liable for the Zakaat. If this custom prevails then when the husband gives the jewellery it is accepted, that it is like a >loan= to the wife. The husband (or whoever else) may be the owner of that jewellery has to give the Zakaat thereupon. At the time of giving the jewellery, the husband ***must specify*** his intention, as to whether it is a gift or a >loan=.

Giving Jewellery Etc. to One=s Children

MAS`ALA : If someone gives his / her children jewellery etc. then that child becomes the owner thereof. Zakaat will be binding upon the child when she / he becomes mature, and that child has wealth equal to Nisaab. When one gives something to the child then all relationship between the original owner and the given article no longer exists. The parents cannot use this given article, without the permission of the child. [Aap ke Masaa`il, page 348 and 366, vol.3]

Is Zakaat Waajib Upon Mehr, Not Yet Received ?

Zakaat is ***not*** Waajib upon mehr, which the husband is still owing to the wife. [Fataawa Daarul Uloom, page 57, vol.6 / Fataawa Mahmoodia, page 87, vol.3]

Giving Zakaat to A Woman Who Has Mehr Owing to Her

MAS`ALA : If a woman has (a considerable amount of) mehr still owing to her by her husband, but he is poor and cannot give it to her, then it will be permissible to give Zakaat to that lady. If her husband is rich and he refuses to give her the mehr, then too it will be permissible to give her Zakaat (provided she qualifies). However, if her husband will give her the mehr, if she asks for it, but she does not do so, then to give her Zakaat is not permissible. [Imdaad Masaa`il, page 74]

Is Mehr Still Owing to the Wife Deductible From Zakaat Calculations?

Debts owing (to mankind) are deductible from Zakaat calculations. However, since many men nowadays are lax in the giving of (credit) mehr, and many times the wife forgives him for this, ***mehr will NOT be deductible when making Zakaat calculations.***

Hence, if a man owns ten thousand rands, but he owes his wife five thousand rands for mehr (not yet paid) - besides this he has no other debts. He will have to give Zakaat for the full ten thousand rands, i.e. 2 2 % (R250.00).

If a man does not have the firm intention of paying the (credit) mehr, then this is not deductible from the Zakaat calculations. [Fataawa Aalimgiri, page 89, vol.1]

Zakaat on Mehr

If a woman receives her full mehr (more than Nisaab) after Nikah. Then she has it with her for a full year, but her husband divorces her, before consummating the marriage, she will have to give back 2 the mehr. If the mehr was of a cash nature (money, gold and silver), then she will have to give Zakaat on the full amount. If it (mehr) was another type of wealth, besides currency, then she is only liable for 2 the mehr amount. [Ilm-e-Fiqh, page 33, vol.4]

If A Person Gives Land As Mehr

If a woman is given, as mehr, some land which was bought by the husband for the reason of reselling, then Zakaat will not be binding upon the wife for this land, regardless of her intention. However, if the land was bought with the mehr

money, for the reason of reselling then Zakaat becomes Waajib. [Ahsanul Fataawa, page 296, vol.4]

Zakaat on Gold Coins

Zakaat is Waajib upon gold, in any form, whether it is raw, minted (coins), jewellery, nuggets or utensils etc. [Aap ke Masaa`il, page 365, vol.3]

Ruling Regarding Gems and Other Alloys in Gold Jewellery

**MAS`ALA :** There is no Zakaat upon any gem etc. placed on gold jewellery. If another alloy is mixed in gold (where gold is 50 % or more), then this (other alloy) will be included in the weight of the gold, because according to the market, this now has value. [Aap ke Masaa`il, page 365, vol.3]

Zakaat on Mixed Jewellery

If jewellery is made up of gold, silver and gems etc. and it is difficult to separate all these constituents, for Zakaat calculation purposes. Then one has to get an expert estimation regarding the different values. Remember to always add more, as a precaution. [Fataawa Daarul Uloom, page 119, vol.6]

Zakaat on Gold and Silver, Mixed Together in Jewellery

MAS`ALA : According to the Hanafi Mazhab, Zakaat on mixed articles (gold, silver and other alloys) are determined by the overpowering metal. Hence if one has gold and silver mixed, then Zakaat will be given according to the gold Nisaab if the gold is more than 50 % of the total article. Zakaat will be given according to the silver Nisaab if the

silver is more than 50 %. [Kitaabul Fiqh, page 996, vol.1 / Fataawa Mahmoodia, page 71, vol.3]

Zakaat Upon Gold and Silver Trimmings on Clothes

If a person has (genuine) gold or silver trimmings,(more than the Nisaab amount) upon clothing, then Zakaat has to be given thereupon, by making an accurate estimation of the value of the gold or silver.

MAS`ALA : If a person has (genuine) gold or silver trimmings,(more than the Nisaab amount) upon clothing, then Zakaat has to be given thereupon. If the gold or silver on clothing is less than the Nisaab amount, but one has other Zakaatable wealth, then this gold and silver on the clothing has to included in the Zakaat calculation. [Fataawa Daarul Uloom, page 330, vol.6]

MAS`ALA : There is no Zakaat on clothing (for personal use) regardless, of the value thereof. However, if there is (real) gold or silver thereupon, and it is more that the Zakaat Nisaab, or one has other Zakaatable wealth, then Zakaat for this gold or silver is Waajib. [Bahishti Zewar / Kifaayatul Mufti, page 153, vol.4]

Zakaat Upon Wealth Accumulated for One=s Heirs

If a person accumulates wealth during his lifetime for the benefit of his heirs, will be liable for the Zakaat thereof, during his lifetime, because, in effect, he is still the owner thereof. [Fataawa Rahimia, page 154, vol.5]

Zakaat on Previous Years

If a person has not given his past Zakaat on his wealth, he must estimate to the best of his ability the amount due for each year, separately. As a precautionary measure he must give more than what he had estimated. [Fataawa Daarul Uloom, page 337, vol.6]

Zakaat to Be Calculated on Cost Or Selling Price of Goods in Trade ?

Zakaat has to be calculated according to the market value of goods at the time of giving the Zakaat. [Fataawa Daarul Uloom, page 61, vol.6]

Which Rate is to Be Adopted for the Calculation of Zakaat on Gold and Silver ?

The price of the gold / silver which is used in the market, i.e. the selling price of the merchants, is to used. If one is to give Zakaat on gold from the gold itself, then 1/40th of the gold is to be given. [Fataawa Daarul Uloom, page 124, vol.6]

MAS`ALA : Zakaat on gold and silver, if one intends to give it in cash, is to given according to their present market value, and ***not*** according to their value at the time of purchase. [Ahsanul Fataawa, page268, vol.4]

Zakaat on Debts

MAS`ALA : Zakaat on a loan has to be given (by the giver of the loan), if he is Saahib-e-Nisaab. However, this Zakaat (for a loan) will only become binding upon one when it is repaid. If one discharges it prior to repayment, then this too is acceptable. This will apply to a loan given in lieu of a pawn or not. [Fataawa Daarul Uloom, page 52, vol.6]

Zakaat on Debts Repaid Slowly

MAS`ALA : Zakaat has to be given on the money received in repayment of a debt as soon as it comes into one=s possession. The Zakaat has to be given for all the previous years as well. Zakaat will have to be given, even if one received land in lieu of the debt. [Fataawa Daarul Uloom, page 85, vol.6]

Debts Which One Has No Hope of Recovering

MAS`ALA : Zakaat does not have to be paid on bad debts. [Fataawa Daarul Uloom, page 77, vol.6]

Zakaat on Debts Recovered After Writing it Off As Bad Debts

MAS`ALA : Zakaat has to be given on all debts recovered, for previous years as well. If it is not recovered, then Zakaat will fall away. [Fataawa Daarul Uloom, page 97, vol.6]

Whose Responsibility is the Zakaat on Debts ?

The person who gave the loan is responsible for the Zakaat thereupon, and not the one who received the loan. [Aap ke Masaa`il, page 351, vol.3]

Zakaat, has to be given for every year that the loan is outstanding. Provided of course, the giver of the loan, is Saahib-e-Nisaab (including the loan amount). The Zakaat for the loan amount will only be necessary after repayment, however, if it is payed before that, then it will be permissible.

The Ruling Regarding The Saahib-e-nisaab Who Owes Money to Others.

If one is Saahib-e-Nisaab, but he also has debts outstanding. At the end of the year he has to deduct his debt amount from his assets, and if it is still Nisaab amount, then he must give 2 2 % thereof in Zakaat. [Fataawa Rahimia, page 155, vol.5]

One Becomes Indebted, After Zakaat Becomes Waajib Upon Him

MAS`ALA : If Zakaat was Waajib on a person, and he has not yet paid it, thereafter he gets into debt, this Zakaat will not be forgiven. He still has to give it. [Ahsanul Fataawa, page 251, vol.4]

Can the Debtor Pay the Zakaat for the Creditor ?

A third person can pay the Zakaat of the creditor, with his consent. However, if the debtor pays the Zakaat, on behalf of the creditor, even with his permission, *the Zakaat of the creditor will not be discharged*, as this is like Riba (usury). [Fataawa Rahimia, page 148, vol.5]

How is it to Pay Zakaat With The Debt (Before Recovering It) ?

MAS`ALA : If a person forgives the debtor for the debt owing to him, then this will not suffice as Zakaat. [Ahsanul Fataawa, page 250, vol.4]

Zakaat on Money Which is Still to Come.

If a person is in such a business or trade where money is outstanding to him, then if such a person is Saahib-e-Nisaab, then he has to give Zakaat on this money, ***only after it has been received by him***. [Aap ke Masaa`il, page 373, vol.3]

Is Zakaat Discharged If the Creditor Regards His Outstanding Debt to A Poor Person As Zakaat ?

If a person loaned some money to a poor person and then intends this loan to be Zakaat, his Zakaat will ***not*** be discharged. He should do the following : He (creditor) should give the intended amount of money to the debtor as Zakaat, and make him the owner thereof. Thereafter, the debtor should give this money back to the creditor as payment for the debt (NOTE: If the debtor refuses to give this money in payment for his debt, the creditor can forcefully take it back). In this way both the Zakaat and the debt are sorted out. [Fataawa Rahimia, page 12, vol.2 / Kifaayatul Mufti, page 282, vol.4]

Ruling of Zakaat Regarding Forgiving A Debt

MAS`ALA : If a person loans someone money and after a year, he waives the debt, then he does not have to give Zakaat for the previous year as well. If the debtor is a wealthy person, and the debt is waived for him then this will be like purposely destroying one=s wealth, hence the Zakaat will not be forgiven. [Imdaad Masaa`il Zakaat, page 59 / Aalimgiri, page 21, vol.2]

Zakaat on A Pawn

MAS`ALA : Zakaat is ***not Waajib*** upon the pawner nor upon the Pawnee. [Fataawa Rahimia, page 12, vol.2]

Giving of Zakaat, Whilst Saying it to Be A Debt

MAS`ALA : A person asks for a loan. The creditor knows that this person is very poor or he is in no condition to repay this debt, then it will be permissible for the creditor to give this money to the >debtor=, whilst having this intention at the time of giving, that this is his Zakaat. Regardless, of what he said to the >debtor=. This money will suffice as Zakaat, even though, the lender is under the impression that this is a loan. [Imdaad Masaa`il Zakaat, page 68 / Shaami, page 14, vol.1]

MAS`ALA : If the needy person is such that he will not accept Zakaat, then the giver of Zakaat can give him Zakaat, telling him that it is a loan. But he (person giving Zakaat) must make an intention of Zakaat (albeit to himself), at the time of giving the money. Thereafter he should tell the other person that he has forgiven the debt, so as to give the latter peace of mind. [Shaami, page 356, vol.2]

Zakaat on Business Credit

**MAS`ALA :** If a person sells goods on credit, as is normal business practise, and he has hope of recovering his money, then when he receives his money, he has to give Zakaat thereupon for the past years as well. [Eedhaa-e-Masaa`il, page 111]

Zakaat on Gifted Items

MAS`ALA : If an article is gifted to someone, then acceptance of it, is a condition of ownership. Hence, until the person to whom the gift was given does not accept it, he will not be regarded as the owner thereof. As soon as he accepts it, then one year thereafter, Zakaat thereupon will be Waajib, if it is Zakaatable.

The Definition of Haraam Wealth and the Ruling of Zakaat Thereupon

MAS`ALA : If ***all*** of a certain wealth is Haraam, then Zakaat upon it will not be Waajib. Since the owner thereof is known, the money has to be compulsorily returned to him. If the owner is not known, then all this money has to be given in charity. If Haraam wealth is mixed into Halaal wealth, then if the Haraam portion can be separated, it should be done so. If the remainder (Halaal), is Nisaab amount, then Zakaat has to be given thereupon, otherwise not. [Imdaadul Fataawa, page 14, vol.2 / Ahsanul Fataawa, page 283, vol.4 / Fataawa Daarul Uloom, page 49, vol.6]

MAS`ALA : According to Imaam Abu Hanifah (rahmatullahi alaihi), if Haraam wealth is mixed with Halaal wealth, then Zakaat has to given thereupon. If the Halaal portion is not Nisaab amount, then Zakaat does not have to be given, in fact ***all*** this wealth has to be given in charity, that is if the original owner (of this Haraam wealth) or his heirs cannot be sourced. It is incorrect to build a Musjid with Haraam wealth. To give this wealth to Madressah students as charity, is permissible, provided the original owner or his heirs cannot be found, or are unknown. [Fataawa Daarul Uloom, page 86, vol.6 / Fataawa Mahmoodia, page 84, vol.3]

Is There No Zakaat Upon Haraam Wealth ?

MAS`ALA : When Haraam wealth is mixed with Halaal wealth, then it comes into the ownership of the person, albeit an ownership of malignancy. Ownership is a condition for Zakaat, purity of wealth is not a condition of Zakaat. Therefore Zakaat is Waajib on this Haraam wealth, although it is not accepted. - Then this question may arise : AWhat is then the benefit of giving the Zakaat ?@ The answer is that he may be saved from the punishment of not giving the Zakaat. There is no punishment on non-acceptance, in fact he will be deprived of reward (in the case on non-acceptance).

However, the punishment for the Haraam wealth, is entirely a different issue. This will not be negated (by the Zakaat). By not giving the Zakaat, he will be liable for two punishments - earning Haraam and not giving Zakaat. Now (by giving Zakaat) he will only be liable for one punishment. [Islaah-e-Inqilaab, page 152, vol.1]

Zakaat on Stolen Wealth and Wealth Acquired Through Bribes

MAS`ALA : Wealth that was stolen or snatched or taken as a bribe has to be returned to the owner. If the owner or his heirs cannot be found or are unknown, then it has to be given in charity. There is ***no Zakaat*** on such ill-gotten wealth. [Fataawa Daarul Uloom, page 88, vol.6]

Zakaat on Bank Interest

There is no Zakaat on bank interest. All this money has to be given in charity. [Kifaayatul Mufti, page 142, vol.4]

Zakaat on A Compulsory Trust / Pension Fund

If a person has been contributing to a trust or pension fund (compulsorily through company policy etc.), then he has to give Zakaat on whatever he has contributed, when it reaches Nisaab amount, or if he is a Saahib-e-Nisaab. He may also give the Zakaat, when he receives his >pay-out=, for all the past years as well. [Fataawa Daarul Uloom, page 130, vol.6]

Zakaat on A Trust

If someone places some Zakaatable wealth in trust with someone else, then the person placing the goods in trust (owner) has to give Zakaat on that wealth. If he gives the entrusted person the choice to dispense his Zakaat from that wealth, then it is permissible. [Aap ke Masaa`il, page 352, vol.3]

Zakaat on Rent Deposit ?

If money is given to the lessor as deposit for rent (as is the practice today), and it is returnable, then the Zakaat thereupon is the responsibility of the person who owns this wealth (i.e. the tenant). [Aap ke Masaa`il, page 353, vol.3]

Zakaat on Wealth Left in the Estate of the Deceased ?

If wealth is left in the estate, and after a year it is still not distributed, then the responsibility of the Zakaat thereupon is on the inheritors. If they are Saahib-e-Nisaab, then they must include their share of the estate in their Zakaat calculations. If they are not Saahib-e-Nisaab, then if their share is Nisaab amount then they must give Zakaat thereupon, otherwise not. [Fataawa Daarul Uloom, page 48, vol.6]

Zakaat on Money Left in Trust

If a person leaves some money in trust with someone else for a limited period of time, and gives him the choice to do as he pleases with the money during this period, then the Zakaat for this period is binding upon the owner of the wealth. [Fataawa Daarul Uloom, page 48, vol.6]

Zakaat on Wealth Recovered After A Court Claim

A person won a court case, and received R700.00, in his claim. He spent R400.00 on the case, of which the Zakaat was paid. He will now have to pay Zakaat on the R700.00. He cannot deduct the money spent on contesting the case in court. [Fataawa Daarul Uloom, page 157, vol.6]

When is Zakaat to Be Paid on Wealth Received Trough A Court Decree ?

MAS`ALA : As soon as the court passes the judgement, the Zakaat becomes binding upon the person in whose favour judgement was passed. He has to give the Zakaat after he receives the money. [Fataawa Daarul Uloom, page 99, vol.6]

Is There Zakaat on Money Kept Aside for Hajj ?

If this wealth, is Nisaab amount and a year passes over it, then Zakaat has to be given thereupon. [Fataawa Daarul Uloom, page 167, vol.1 / Fataawa Mahmoodia, page 94, vol.13]

Can Zakaat Be Given to One Intending to Go for Hajj ?

It is not permissible to give Zakaat to that person who has insufficient money for Hajj. However, if a person had enough money, but due to some misfortune, his money is lost during the journey or destination, then Zakaat can be given to him, owing to his need. [Fataawa Mahmoodia, page 94, vol.13]

Giving of Zakaat, Such That Hajj Becomes Fardh Upon the Recipient

It is Makrooh to give a person so much Zakaat, whereby he now becomes Saahib-e-Nisaab. (However the Zakaat will be discharged). [Ahsanul Fataawa, page 294, vol.4]

Performing Hajj with Zakaat Money

MAS`ALA : If a poor person is given money, and it is said to him, that he may perform Hajj or do anything he likes with that money, then this is permissible, and the Zakaat will be discharged. [Fataawa Daarul Uloom, page 273, vol.6]

Zakaat on Shares

MAS`ALA : If shares are bought with the intention of reselling, then Zakaat is Waajib thereupon. [Ahsanul Fataawa, page 287, vol.4]

Zakaat on Shares Are to Be Paid At What Rate ?

Zakaat on shares are to be paid on the present market value. [Fataawa Daarul Uloom, page 146, vol.6]

Is There Zakaat on Dividends ?

MAS`ALA : If the company (in which one has shares) is a business company, then Zakaat is payable upon the capital investment (as well as the profits). If it is a company which collects rent, then Zakaat is only payable upon the profits earned and not on the initial investment. [Kifaayatul Mufti, page 143, vol.4 / Fataawa Rahimia, page 4,vol.2 / Aap ke Masaa`il, page 373, vol.3]

Is There Zakaat on A Plot ?

MAS`ALA : If a person buys a plot or a piece of land, then there are three possibilities : If he buys it for resale then he has to give Zakaat on the market value of the plot, every year.

If he buys it for building a house for own use, then there is no Zakaat thereupon.

If he buys it and at the time of buying it, he has no intention regarding it, then too there will be no Zakaat.

[Aap ke Masaa`il, page 371, vol.3]

<u>MAS`ALA :</u> Zakaat is Waajib on a plot or building bought for resale. The Zakaat must be calculated according to the current market value of the plot or building, each year, and ***not*** on the purchase price. [Ahsanul Fataawa, page 299,vol. 4]

Zakaat on Deposit Given on Purchase of A House

If the buyer gave the money, prior to his Zakaat year ending, then he does not have to give Zakaat. If his (buyer=s) Zakaat year ends, and only thereafter he has to give the money to the seller, he (buyer) will have to give Zakaat thereupon. [Aap ke Masaa`il, page 372, vol.3]

Is There Zakaat on A House Bought for Rental ?

If a house is bought for rental purposes, then the buyer will only have to give Zakaat on the rent received, if he is Saahib-e-Nisaab, or if the rent is over the Nisaab amount and it remains with him for a year. He does not have to give Zakaat on the value of the house each year. [Fataawa Daarul Uloom, page 154, vol.6]

Is There Zakaat on Money Used to Buy A House ?

If a person buys a house, and thereafter he sells it, due to his family not being happy with it, or for some other personal reason. He will not have to give Zakaat on the purchase price of the house. As long as the money was with him he was to give Zakaat thereupon. As soon as he used it to buy the house, even if it was a day prior to his Zakaat year ending, this Zakaat (purchase price of house) will drop

off, for him. Now after he resells the house, whatever the proceeds are from the sale, he will have to give Zakaat thereupon, **after** a year passed over it, and he is still Saahib-e-Nisaab. [Fataawa Daarul Uloom, page 129, vol.6]

Zakaat on Land Taken on Rent

MAS`ALA : If a person takes a land on lease, and the rental for each year is specified, then he lessee gives rent for a few years in advance. This is correct and he will not have to give Zakaat thereupon. [Fataawa Daarul Uloom, page 333, vol.6]

Is There Zakaat on the Fixtures on A Plot Or House ?

MAS`ALA : There is ***no Zakaat*** on the fixtures of a plot, which is given for rent. Zakaat is only payable on the rent received, which remains for a year. [Fataawa Daarul Uloom, page 50, vol.6]

Is There Zakaat on Body Parts Made of Gold Or Silver ?

If the part made of gold or silver is such that it can be easily removed (eg. Nose), then Zakaat upon it is Waajib, because this is such a thing which has the ability to increase (like sold for a profit etc.).
If the part is not easily removable, like a fixed tooth or filling, then Zakaat thereupon is not Waajib, because this part has now become like part of the body and is regarded as a necessary portion of one=s body. [Jadeed Fiqhi Masaa`il, page 121]

Is There Zakaat Upon Monthly Salary ?

If the salary, is saved and remains with one for a year and it is Nisaab amount, then 2 2 % must be given as Zakaat.

**MAS`ALA :** Zakaat is payable on savings, if it exceeds Nisaab amount. If nothing is saved, then there is no Zakaat thereupon. [Aap ke Masaa`il, page 359, vol.3]

Zakaat on Private Fund (Pension) Payout

MAS`ALA : If money is received from a pension payout (which is a compulsory condition of one=s employer) , then this amount is regarded as a gift from the company. No Zakaat has to be given on this money immediately (unless one is Saahib-e-Nisaab, and one=s Zakaat year ends after this is received). Otherwise Zakaat will be only be payable, after a year passes over this money. [Fataawa Daarul Uloom, page 331, vol.6 / Fataawa Mahmoodia, page 51, vol.3]

However, if one wishes, the precautionary step would be to pay the Zakaat for the previous years also.

Zakaat on Money in the Bank

MAS`ALA : If a year passes over the money in a bank, and one is Saahib-e-Nisaab, then Zakaat thereupon is Waajib. [Fataawa Rahimia, page 14, vol.2 / Fataawa Daarul Uloom, page 134, vol.6]

Is There Zakaat on A Fixed Deposit ?

MAS`ALA : Fixed deposit in a bank, savings account, bonds and insurance, are all interest bearing >loans=.

>Bonus bonds= are interest bearing as well an gambling. Hence, on all these Zakaat is Waajib on the initial investment. The >benefit= attained from any of these is Haraam, therefore it has to be given away in charity. [Ahsanul Fataawa, page 487, vol.4]
Interest (Haraam earnings) that is given as charity, is done so without any hope or intention of reward. There can be no reward in Haraam.

Zakaat on Death Payout

If a company pays out the family of the deceased a lump sum of money (as is company policy of some companies), then if the family consists of minors, their money will be kept in trust and no Zakaat is due from this, until they attain maturity. If there are any adults who will receive from this payout, they will have to give Zakaat thereupon, after a year of it=s being in their possession, if it is Nisaab amount. If they were Saahib-e-Nisaab, at the time of payout, then they should add this amount to their Zakaat calculations at the end of their Zakaat year. [Fataawa Daarul Uloom, page 132, vol.6]

Ruling Regarding Buried Wealth

Zakaat has to be given every year on wealth which is hidden or buried (provided that it is Nisaab amount). [Fataawa Daarul Uloom, page 338, vol.6]

Zakaat on Mines and Buried Wealth

MAS`ALA : There are three types of commodities that are mined from the ground : 1. Those things that are melted

down by fire, 2. Those that are liquid, 3. Those that are in stone form and cannot be melted down, nor can are they naturally soft or liquid. Those commodities that can be melted down are minerals, like, gold, silver, copper, steel etc. If any of these are mined then 1/5th must be given as Zakaat, regardless of whether the miner is male or female, mature or immature, freeman or slave. The balance, i.e. 4/5th can be kept and owned by the miner.

MAS`ALA : The second and third types, i.e. liquid and soft, like oil, salt etc., and those that cannot be melted like, coal, lime etc., are ***non-Zakaatable.***

However, there will be 1/5th Zakaat on Mercury (quicksilver).

MAS`ALA : If a person finds some buried treasure, in Daarul Islaam (Islaamic country), then if it is found in a neutral ground (i.e. not private land), like a desert, and if the treasure consists of coins, or other such artifacts, which can be associated to the Islaamic regime, then this found property will be like a lost and found item (the same rules will apply as will apply to a lost and found item). If the cions etc. found are associated with the times of Ignorance, that is, it belonged to someone, before the Islaamic regime took control, then 1/5th thereof must be given in Zakaat, and the rest can be kept by the finder.

MAS`ALA : If treasure is found on one=s own private property, then there is consensus of opinion amongst the Ulama, that 1/5th of it must be given in Zakaat.

MAS`ALA : If someone discovers household items, clothes etc. in a certain place, then this will also be like a treasure.

1/5th of it must be given in Zakaat. [See for more clarification in Fataawa Aalimgiri, page 24, vol.4 / Kitaabul Fiqh, page 996, vol.1]

MAS`ALA : In present times there is no Baitul Maal (Islaamic Public Treasury), hence all the above amounts to be given in Zakaat, must be forwarded to the deserving persons, who comply to the category of Zakaat, as explained in the beginning. [Ilm-e-Fiqh, page 49, vol.4]

Is There Zakaat on Money Stipulated for A Vow ?

If a person made a verbal >Mannat= or >Nazar= (vow) regarding a treasure find (i.e. that he will give a certain % to the poor if he finds the treasure), then to fulfill this is Waajib. Zakaat upon this is also Waajib. However, he will not have to give this Zakaat separately, he may give the 1/40th portion from the >Mannat= amount as Zakaat and give the balance as his vow fulfilment.

Is There Zakaat on Money of Waqf (Endowment / Trust) ?

MAS`ALA : There is no Zakaat upon wealth given as a trust / endowment (Waqf), because this wealth has no owner. Similarly, there is no >Ushar= on crops of common property, because here too there is no owner. [Kitaabul Fiqh, page 961, vol.1 / Fiqh-e-Zakaat, page 177, vol.1]

MAS`ALA : Any land or building given as Waqf, for the benefit of the poor, does not have Zakaat or Ushar upon it. However, if this land is given to someone on contract, and the lessee cultivated the land, then there will be Ushar for this person on his crops. [Kitaabul Fiqh, page 963, vol.1]

Is There Zakaat on Zakaat Money ?

If someone has kept Zakaat money aside but has not yet found a recipient, there will be no Zakaat on that amount. [Aap ke Masaa`il, page 370, vol.3 / Fiqh-e-Zakaat, page 176, vol.1 / Kifaayatul Mufti, page 143, vol.4]

Is There Zakaat on Monies Collected for A Worthy Course ?

MAS`ALA : There is ***no Zakaat*** upon that money collected for a madressah etc., even if it is more than the Nisaab and a year has passed over it. [Fataawa Daarul Uloom, page 49, vol.6]

MAS`ALA : That monies collected by any group or committee, for the benefit of the inhabitants or the Masjid, there will ***be no Zakaat*** thereupon. [Kifaayatul Mufti, page 250, vol.4]

**MAS`ALA :** That wealth collected for a worthy course, becomes like Waqf funds, and it no more belongs to the contributors, hence there is no Zakaat thereupon. [Aap ke Masaa`il, page 372, vol.3]

How is it to Give Zakaat to A Madressah That Has Quite A Bit Already Accumulated ?

Those in charge of the Madressah must use up the Zakaat money they have as soon as possible. Regardless of how much Zakaat money the Madressah has accumulated, it is permissible to give them Zakaat. Nevertheless, that Madressah which accumulates it=s Zakaat funds over the years ***should not be given more Zakaat,*** it (Zakaat) should rather be given in a place where it will be put to use

and is immediately needed. [Fataawa Rahimia, page 163, vol.5 / Fataawa Mahmoodia, page 65, vol.3]

Collection of Zakaat When There is No Need

Although Zakaat is not immediately needed by a Madressah, however they may accept Zakaat, for use in the running and existence of the Madressah. The plan implemented by a Madressah, whereby the money is given to a needy person and he in turn takes possession and gives it to the Madressah, is correct and the Zakaat will be discharged. [Fataawa Mahmoodia, page 39, vol.3]

Giving of Zakaat for Commission

To give a commission on Madressah / Masjid collections is not permissible. The Zakaat given to a Madressah, if it is spent correctly, then it will be discharged, otherwise not. Hence, Zakaat should only be given to that Madressah where one is certain that they are putting it to correct use. [Aap ke Masaa`il, page 307, vol.3]

MAS`ALA : If the person collecting for the Madressah / Masjid, earns a fixed salary, then owing to his good efforts a commission is given to him as a gift (i.e. not a fixed rate), then this will be permissible, however, this should ***not be given from Zakaat funds.***

If the collector does not earn a fixed salary, then because the taking of a commission is an invalid contract, this will be ***impermissible.*** [Hidaayah, page 27090, vol.3 / Fataawa Daarul Uloom, page 334, vol.1 / Fataawa Mahmoodia, page 102, vol.13]

Forcefully Extracting Zakaat Etc, During Collections

It is ***impermissible*** to forcefully extract funds from a person during collection rounds. [Fataawa Daarul Uloom, page 338, vol.6]

To Spend From Zakaat Funds Without Permission

MAS`ALA : A Madressah principal placed some Madressah Zakaat money in trust with a certain person, who spent therefrom (out of necessity) without the principal=s permission, thereafter he replaced the amount. This act of taking the money was not permissible, however, after replacing the money he is absolved of any responsibility. [Fataawa Daarul Uloom, page 338, vol.6]

To Give Commission on Zakaat

If a person sends Zakaat to someone, via a third party, then if there is a commission or charge levied for the conveyance of this money, it cannot be given form the Zakaat money, but has to be given separately. [Fataawa Rahimia, page 10, vol2]

Conditions for Zakaat Upon Goods in Trade

MAS`ALA : According to the Hanafi Mazhab, there are a few conditions for the validity of Zakaat upon goods in trade :

33. One condition is that the goods are of Nisaab value in relation to gold and silver. One has the option of using either the Nisaab of gold or silver to determine the Zakaat value of the goods. The goods are to be valued at the current market value of the place in question.

34. Another condition is that one year has to pass over the goods. Here the two ends of the year are to be considered, and in between. If there is Nisaab at the beginning, then regardless of how much gain or loss there was during the year, Zakaat will be given on the amount remaining at the end of the year (provided this is still Nisaab amount, if it is not Nisaab amount (after deducting liabilities) then no Zakaat will be due).
35. Another condition is that the item must be intended for trade. Together with intention of trade for these goods, one has to have begun with actual trading therein. Hence, if a person has an animal for personal use, thereafter, he decides to sell this animal. Zakaat will only be due on this animal after the person has actually begun with trading with this animal, and not after his intention.
36. Another condition is that this goods must be such that they are worthy in trading in. For example, if a person purchased a piece of >Ushri= land, and farms thereupon, then Ushar is due upon that land and not Zakaat. If a person has an animal for trade, then he decides to use it for milk etc. or for breeding, then as soon as he leaves it to graze freely, it ceases to be goods in trade, and the new year will begin for it, whereby Zakaat will have to be given according to free grazing animals and not according to its value as for goods in trade.

Zakaat on goods have to be given every year of it=s being in one=s possession, and not only after it=s sale. Gold and silver are Zakaatable, regardless of whether they are for resale or not. [Kitaabul Fiqh, page 987 to 989, vol.1]

Why is A Year Necessary to Pass Before Zakaat Becomes Waajib?

The Shariah has not left the choice of collecting Zakaat upon the rulers, that they collect when they require, nor upon the miser to give when he desires. In fact it has stipulated a specific time of one year. This period has been chosen owing to the seasons changing completely therein.

The earnings of the wealthy are also >rounded up= in this period. The needs of the poor are also realized in this period. A year is a good period of time where one can ascertain the profits and losses of one=s earnings. Animals also multiply during this period.
Imaam Ibn Qayyim (rahmatullahi alaihi) has stated that Allaah Ta`ala, has made Zakaat Fardh after a year, because a year is such a period that all the seasons change therein, and crops also mature during that time. This also places ease upon the wealthy in that they are not burdened with giving Zakaat every week or month. If Zakaat was made Fardh once in a person=s lifetime, then this would be difficult for the poor. Hence, one year is a fair and just period. [Fiqh-e-Zakaat, page 222, vol.2 / Zaadul Ma`aad, page 307, vol.1 / Hujjatullah Albaaligha, page 3, vol.2]

Method of Taking Out Zakaat From Business

MAS`ALA : Zakaat on goods in trade is Waajib. All goods in trade are to be combined. All profit earned during the year is also to be added. Whatever else wealth one has acquired during the year, like, inheritance, gift etc. must also be added. If all this wealth makes up Nisaab, and a year has passed over it then Zakaat has to be taken out for it. (Liabilities have to be deducted from this amount). [Kitaabul Fiqh, page 994, vol.1]

Zakaat on the Different Types of Debts

MAS`ALA : According to the Shariah that money or thing which is owing by someone is called >Dain= (debt). With regards to Zakaat, there are four types of debts :

37. That debt which was given to a person, or that money outstanding and due to a trader who sold goods on credit. If this debt is received

all at once, then the Zakaat thereupon must be paid in full (provided a year has passed or one is Saahib-e-Nisaab and the time for one=s Zakaat comes due). If it is received after a few years, then the Zakaat for all the past years must be paid together. If the debt is received slowly (instalments), then the Zakaat thereupon should be paid as the money comes in. If this amount (instalments), are less than 1/5th the Nisaab of Zakaat, then Zakaat thereupon will not be Waajib immediately. This type of debt is known as >Dain-e-Qawi= (strong debt), according to the Shariah.

38. The second debt is that one where money is outstanding from the price of goods sold - such goods that were not intended for trade. Money received from this debt will also be Zakaatable, for the entire period that it was outstanding. The Zakaat on this will only be Waajib after the entire amount is received, and if it is Nisaab amount. Zakaat will not be Waajib on the instalments received from this debt. This is known as >Dain-e-Wast= (Intermediate debt).

39. The third type is that debt which is not in lieu of any goods, eg. Mehr (dowry). The Zakaat upon this will only be due when the person takes ownership of the money, and one year passes over it. This is known ans >Dain-e-Da`eef= (weak debt).

40. This is that type of debt whose recovery is difficult, if not impossible. Zakaat is ***not Waajib*** on this debt. If this money is recovered, some how or the other, then Zakaat will be due upon it for the entire period. According to the Shariah this is known as >Maal-e-Dhimaar= (bad debts). [Fataawa Hindia, page 89, vol.1]

The debts outlined above are basic types of debts. There are probably, more types of debts which may have come about in present economic conditions. These can be correlated and interpreted according to the above basic principles. [Jadeed Fiqhi Masaa`il, page 118]

Zakaat Upon Cash and Goods Etc.

MAS`ALA : At the end of the year whatever, cash money and goods in trade a person has, Zakaat must be given thereupon. Whatever, debts upon others, which one has

due to him, are also Zakaatable, however, Zakaat upon debts may be paid after they are received. Those debts which are not received are not Zakaatable. That wealth spent during the year, which is not present at the end of the year is ***not Zakaatable.*** That furniture and utensils used in a business, which are not for resale are not Zakaatable.

However, those furniture and goods sold, (which were not intended for trade), their money, is also Zakaatable, when received. [Fataawa Daarul Uloom, page 58, vol.6]

MAS`ALA : There is no Zakaat on utensils, furniture, clothes and food for own use. [Ibid]

Is it Necessary to Keep A Daily Record for the Purposes of Zakaat ?

**MAS`ALA :** It is not necessary to keep a daily record for the purposes of Zakaat. One specific date has to be specified for the purposes of Zakaat (already explained), then Zakaat has to be given for all Zakaatable wealth present on that day. [Aap ke Masaa`il, page 387, vol.3]

Is it Necessary to Keep A Record of One=s Yearly Profit?

MAS`ALA : If one=s profit increases and decreases on a yearly basis, then it is necessary to keep a record thereof. However, if one has a fixed amount of cash or jewellery, then it has to valued only once, and thereafter, one, may give Zakaat thereupon every year. [Fataawa Mahmoodia, page 255, vol7]

What Price / Value is to Be Considered for Zakaat ?

MAS`ALA : The value of the goods at the time of giving the Zakaat is considered. [Fataawa Daarul Uloom, page 61, vol.6]

MAS`ALA : That value of wealth is considered for Zakaat, which is more common and generally accepted. The price of the traders is not acceptable, because this is based on cheapness and what is more economical. In fact a few values should be taken, and if they differ greatly, the one that is the most acceptable (famous), should be accepted. [Imdaadul Fataawa, page 42, page 2]

MAS`ALA : For Zakaat calculation, the selling price of goods should be taken. [Ahsanul Fataawa, page 499, vol.4]

Ruling Regarding Having More Debts Than Assets

A person bought a business for R40 000.00, and he has no other Zakaatable wealth except this business, then no Zakaat is due upon him.

That Wealth Spent in the Twelfth Month

A person has Nisaab wealth for 11 months of the year, but during the 12th year he spends it upon furniture etc. (personal use, hence non- Zakaatable). As long as he spends it before the end of the year, he will not have to give Zakaat upon that wealth. {Fataawa Daarul Uloom, page 70, vol.6]

That Food Left At the End of the Year

MAS`ALA : That food, bought during the year for own use which is left over at the end of the year, is ***not Zakaatable***. [Fataawa Daarul Uloom, page 72, vol.6]

Zakaat Upon That Money Invested in A Business

MAS`ALA : If goods for resale are bought with one=s own money, then Zakaat will be Waajib upon that goods, when if reaches Nisaab amount, and a year passes over it. [Fataawa Daarul Uloom, page 142, vol.6]

How Should the Zakaat Be Given on Profit ?

**MAS`ALA :** At the end of the year, a businessman has to give Zakaat on the total of his remaining capital (goods in trade) and whatever profit (cash money) he has accumulated and has presently with him. [Aap ke Masaa`il, page 361, vol.3]

Zakaat for A Tradesman

A tradesman has two types of goods. Those goods which are used in the preparation of goods (eg. Material for a tailor), and those goods already prepared (eg. Sewn clothing for a tailor). Zakaat is payable on both these types of goods. Zakaat is not payable upon machinery and equipment used in the trade. [Aap ke Masaa`il, page 362, vol.3]

Zakaat on the Partners of A Silent Partnership

A silent partnership is that one when one person invests the capital and the other does the work. Zakaat at the end of the year is due for the goods and profit upon the investor of the capital, as he is the owner thereof. The partner who is running the business will have to give Zakaat for whatever profit he has, that is over the Nisaab and a year old. [Aap ke Masaa`il, page 350, vol.3]

How is it to Give Zakaat to A Trader, Who is in Debt ?

It will be permissible to give Zakaat to a trader who is in debt, such that he does not have any Zakaatable wealth to the value of Nisaab, or his debts are so many that they far surpass his assets. For example, if a person has R10 000.00 cash, but he has debts to the value of R11 000.00. [Fataawa Mahmoodia, page 61, vol3 / Imdaad-e-Masaa`il Zakaat, page 78]

Zakaat on Rented Commodities

**MAS`ALA :** Those articles which are used for renting out, there is no Zakaat on the articles themselves, however, there will be Zakaat on the rent received from these articles, if it is Nisaab amount and a year passes over it. [Imdaad Masaa`il Zakaat, page 57]

Zakaat on A Business

Zakaat on a business should be calculated as follows : All the goods in trade should be valued (at current market values), this should be added to whatever cash one has at the end of the (Zakaat) year. One=s debts, should be subtracted from this amount and the balance is Zakaatable, i.e. 2 2 % of the balance should be given in Zakaat. (NOTE: It is easier and more convenient for a person to pay the

Zakaat at the end of each year for those (strong) debts which are due to one, although they only become Waajib when recovered, however, it is better to give every year, as opposed to having to calculate the Zakaat, for all the past years and give it one time). [Aap ke Masaa`il ,page 381, vol.3]

Zakaat for A Grocer Shop

A grocery shop normally has many different types of small, small items, which are difficult to take stock of. Under these conditions, the shopkeeper, uses an estimate for Zakaat calculations. This would be acceptable, however, he should be careful not to under estimate. It is much better to estimate more, rather than less. [Fataawa Daarul Uloom, page 140, vol.6]

Why is There Zakaat on Animals ?

Allaah Ta`ala has created many different types of animals, of which, as mentioned in the Qur`aan Shareef, there are those that are created for the benefit of mankind. They are termed >An`aam= in the Arabic language, amongst them are camels, cows, goats and sheep. These animals are mentioned in the Qur`aan Shareef as being beneficial to man. As a token of >Shukr= (thanks), Zakaat has been ordained upon these animals. Nabi (sallallahu alaihi wasallam) has chalked out a specific formula, regarding the Nisaab of animals, which is in use upto today. [Fiqh-e-Zakaat, page 228, vol.1]

What is >Saa`ima= (Free Grazing) Animals ?

**MAS`ALA :** >Saa`ima= animals are those animals, left to graze freely in the pastures for a specific reason. Either, so that they yield milk, or for breeding purposes, or for increasing stock. Those animals which are left for grazing, *other than for breeding or milk production*, are not Zakaatable, eg. those kept for riding or for carrying loads.

Zakaat is Waajib on >Saa`ima= animals, whether they are male of female. Similarly, if animals are kept only for trade (reselling), then too Zakaat is Waajib upon them, but their Zakaat will be according to the normal Nisaab amount (spoken about above), and not the Nisaab on >Saa`ima= animals.

If animals are kept for their meat, then they are exempt from >Saa`ima= Zakaat, they too will be Zakaatable according to normal Nisaab. Those animals kept for personal use, (eating), are completely exempt from all types of Zakaat.

**MAS`ALA :** If an animal is bought for trade, thereafter the owner decides to make them >Saa`ima=, then their Nisaab calculation will begin from the day that he decided to make them >Saa`ima=. [Fataawa Aalimgiri, page 17, vol.4]

>Saa`ima= are those animals in which the following three conditions are found :

41. For most of the year they feed by themselves, and suffice upon this, (i.e. they graze on such ground which belongs to the >government=, hence feed for free, and they are not fed from home). If they feed for 2 the year in the pastures and 2 the year they are fed (by the farmer), then they are not regarded as >Saa`ima=. If fodder is brought for them, to their pens, regardless

of whether, it was paid for or not, they will not be regarded as >Saa`ima=.

42. The grass (pasture) they feed on is not done with the disapproval of anyone. If they feed on pastures illegally, that is, they are prohibited from feeding there, hence they are feeding upon Haraam, then too they are not >Saa`ima=.

43. They are kept for breeding purposes or for milking. If they are not kept for these two reasons, or are kept for their meat, or for riding etc. , then they are not >Saa`ima=. [Aalimgiri, page 7,vol.4]

The Ruling Regarding Those Animals Acquired During the Course of the Year

That wealth received during the course of the year, either by purchasing, or by an animal giving birth, or by inheritance, or a gift, is added to its species, and Zakaat has to be given thereupon. For example, if a person has 25 camels at the beginning of the year, during the year another 25 are given birth to, at the end of the year he will have to give Zakaat upon all of them (50 camels), even though, the newly born have not passed a full year. If a person, by giving Zakaat on his new stock will be giving Zakaat, twice in a year, then he will not join this new stock to the old. For example, a person gives Zakaat upon his wealth, then he buys some camels with this cleansed wealth (upon which Zakaat has been given). Now if he joins these camels to his existing stock for the same year and he still has to give Zakaat of the camels, he will be giving Zakaat twice on these newly acquired camels. Hence, he will not include them in his Zakaat for the camels of this year. They will be added for the following year. Similar, will be the sale of those camels, whose Zakaat has already been given. The money from their sale will not be added to one=s cash for that year.[Ilm-e-Fiqh, page 30, vol.4]

What Type of Animal is to Be Given in Zakaat ?

MAS`ALA : The following conditions are to be considered when giving and receiving animals for Zakaat:
The animal given in Zakaat, must not have any flaw in it. That is it should not be sickly, nor lame and disabled, nor should it have broken limbs etc. ,nor should it be so old that it=s teeth have fallen out. In effect, it should not have such a fault in it, which will render it useless (not beneficial), or reduce it=s value.

MAS`ALA : The basis is if an animal of excellent quality is given, it will be to the disadvantage of the farmer. If the animal is of a very low quality, it will be disadvantageous to the poor (recipient of Zakaat). Hence, the matter calls for justice and equality to all parties concerned, by giving an animal of medium quality. [Fiqh-e-Zakaat, page 190, vol.1]

Zakaat on Animals in Partnership

MAS`ALA : If a person has a partnership with 80 persons, in 80 goats, such that he owns 2 of each goat and each of the 80 partners owns the other 2. So it is like he owns 40 goats (i.e. 2 share in each of 80 goats). According to Imaams Abu Hanifah and Muhammad (rahmatullahi alaihim), no Zakaat is due on this partnership. This will also apply to a partnership of one person with 60 others in a partnership of 60 cows.

MAS`ALA : If there are two partners whose shares are together, then each of them must give Zakaat, according to their respective shares (i.e. in proportion).

Zakaat on Animals Which Are in Use

MAS`ALA : Animals which are used for riding (horses), and bulls etc. used for ploughing are ***non Zakaatable.*** [Fataawa Daarul Uloom, page 62, vol.6]

MAS`ALA : Bulls used for ploughing, horses for riding, and cows for milk, are not Zakaatable. [Fataawa Daarul Uloom, page 106, vol.6]

MAS`ALA : Those animals reared for ploughing are non Zakaatable, even though they are >Saa`ima=. Zakaat is Waajib upon those animals which are >Saa`ima= and are reared for breeding and for their milk, on condition that they reach the Nisaab amount. [Ibid.]

MAS`ALA : If a person has different types of Zakaatable animals, and he gives Zakaat on some of his animals in advance, then they (those he gave Zakaat upon) are destroyed. Now he cannot include this Zakaat which he has already given, to those which are still with him. [Aalimgiri, page 15, vol.4]

On What Types of Animals is Zakaat Not Waajib ?

MAS`ALA : Zakaat is ***not Waajib*** on horses. Horses kept for reselling, are Zakaatable, regardless of whether they feed on wild pastures or they are fed. They will be regarded as goods in trade, and when they reach Nisaab amount, Zakaat has to be given on them. There will be ***no Zakaat*** upon donkeys, mules, tamed cheetahs and dogs, ***provided***

that they are not intended for resale. [Fiqh-e-Zakaat, page 299, vol.1]

MAS`ALA : According to Imaam Abu Hanifah (rahmatullahi alaihi)=s final ruling, the Zakaat on horses for resale, will be given at the rate of 1/40th of their total value. There is no Zakaat on calves, kids and baby camels and sheep (i.e. if all one=s stock are the same - small). If there is even one animal that has reached the age of Nisaab, then **all** of them will be Zakaatable. However, Zakaat will not be taken from them (i.e the small ones). The big animal will be taken or it=s value given in cash. These small animals will contribute to the number of animals, but Zakaat will not be given with them.

MAS`ALA : If a goat has 39 kids, and there are no other goats besides these (40 altogether), then one medium goat will have to be given in Zakaat. If this goat is of medium status or slightly smaller, it will have to be given in Zakaat.

MAS`ALA : If at the end of the year, this goat does not exist, then according to Imaams Abu Yusuf and Muhammad (rahmatullahi alaihim), there will be no Zakaat. Similarly, if a camel has 50 offspring, and there is amongst them a medium build camel, then it will be Waajib to give this one in Zakaat. If 2 these camels perish, then 2 the value of a camel will be dropped off for Zakaat, and the other 2 will be Waajib. It is not permissible to give young camels in Zakaat. [Fataawa Aalimgiri, page 19, vol.4]

MAS`ALA : There is no Zakaat on animals which are of mixed breed, where one of the parents (mother) is wild and the other domestic.

**MAS`ALA :** There is no Zakaat on animals given in >Waqf=. [Imdaad Masaa`il Zakaat, page 51]

Zakaat on Animals of Mixed Breed

A condition of >Saa`ima= animals is that it is not a wild animal. Zakaat is not Fardh upon wild animals. If they are kept for purposes of trading, then normal Zakaat is due upon them.
Animals that are born of mixed parents, where one is wild and the other domestic (tame), then the offspring will follow the mother. Hence, if the mother is a wild animal, then the newborn will also be regarded as wild.

If animals are >Saa`ima= ,then during the year the owner decides to keep them for trade, Zakaat will not be paid upon them for that year. They will now be Zakaatable according to normal Nisaab, and their year will begin from the day they were made for trade. [Imdaad Masaa`il Zakaat, page 51]

Nisaab for the Zakaat on Camels

From one to four camels are exempted from Zakaat. The Zakaat payable on five or more are as follows:

From 5 camels to 9 camels ----- one 1 year-old goat (male or female)
From 10 camels to 14 camels --------- two goats (male or female)
From 15 camels to 19 camels --------- three goats (male or female)
From 20 camels to 24 camels -------- four goats (male or female)

From 25 camels to 35 camels --------- one 1-year-old camel (Binti Makhaas)
From 36 camels to 45 camels --- one 2-year-old camel (Binti Laboon)
From 46 camels to 60 camels ------- one 3-year-old camel (Hiqqah)
From 61 camels to 75 camels --------- one 4-year-old camel (Jiz`a)
From 76 camels to 90 camels --------- two 2-year-old camels
From 91 camels to 124camels --------- two 3-year-old camels
From 125 camels to129camels --- two 3-year-old camels and one goat
From 130 camels to134camels -- two 3-year-old camels and two goats
From 135 camels to139camels- two 3-year-old camels and three goats
From 140 camels to144camels - two 3-year-old camels and four goats
From 145 camels to149camels---- two 3-year-old camels and one 1-year-old camel
From 150 camels to154camels --------- three 3-year-old camels
From 155 camels to159camels --------- three 3-year-old camels and one goat
From 160 camels to164camels --------- three 3-year-old camels and two goats
From 165 camels to169camels --------- three 3-year-old camels and three goats
From 170 camels to174camels --------- three 3-year-old camels and four goats
From 175 camels to185camels --------- three 3-year-old camels and one 1-year-old camel

From 186 camels to195camels --------- three 3-year-old camels and one 2-year-old camel
From 196 camels to204camels --------- four 3-year-old camels or five 2-year-old camels
From 205 camels to209camels --------- four 3-year-old camels and one goat
From 210 camels to214camels --------- four 3-year-old camels and two goats
From 215 camels to219camels --------- four 3-year-old camels and three goats
From 220 camels to224camels --------- four 3-year-old camels and four goats
From 225 camels to235camels --------- four 3-year-old camels and one 1-year-old camel
From 236 camels to245camels --------- four 3-year-old camels and one 2-year-old camel
From 246 camels to254camels --------- five 3-year-old camels
From 255 camels to259camels --------- five 3-year-old camels and one goat
From 260 camels to264camels --------- five 3-year-old camels and two goats
From 265 camels to269camels --------- five 3-year-old camels and three goats
From 270 camels to274camels --------- five 3-year-old camels and four goats
From 275 camels to285camels --------- five 3-year-old camels and one 1-year-old camel
From 286 camels to295camels --------- five 3-year-old camels and one 2-year-old camel
From 296 camels to304camels --------- six 3-year-old camels

NOTES:

44. Wherever a goat in specified, a one year-old goat is required. With regard to it=s gender, either a male or a female may be given. However, as far as camels are concerned, ***a female must be given.*** It is not permissible to give male camels. Nevertheless, one may evaluate the required female camel and give a male camel to the same value or more.

45. Where four 3-year-old camels are due, one may give (in place of them), five 2-year-old camels.

46. The above table applies to those camels who are not for resale, and are mostly free grazing. They are not fed at home, or if they are, they feed mostly (> 50%) in free pastures. If they are fed mostly at home or they feed equally (i.e 50% , 50%) at home and on pastures, then they are not Zakaatable.

47. If the camels are for resale, then their Zakaat will not be as stated above. They will be Zakaatable as normal goods in trade. This is regardless of whether they feed at home or on the pastures. By resale is meant those animals, which are intended for trade at the time of purchasing them. If the intention for reselling them comes after purchasing them, where they were bought for breeding etc., then they will not be regarded as goods in trade.

48. Those animals intended for riding or loading, are non Zakaatable. [Ahsanul Fataawa, page 272-5, vol.4]

Nisaab for the Zakaat on Cattle

The Zakaat on cows and bulls are the same. They may be combined when giving Zakaat, and their Zakaat is the same. If they are combined, then the Zakaat will be given from the one which is more in number. If they are equal in number then the Zakaat may be given from whichever one pleases.

One 1-year-old cow/bull must be given in Zakaat, for 30 cattle. There is no Zakaat to be given for less than 30

cattle. From 30 to 39 cattle, there is no more Zakaat than the one 1-year-old.

For 40 cattle, one 2-year-old cow/bull has to be given. From 41 to 59 cattle, there is no Zakaat, except the one 2-year-old. When they reach 60, then two 1-year-olds must be given.

Now, from above 60, for every 30 cattle, one 1-year-old must be given and for every 40 cattle, one 2-year-old must be given. For example, for 70 head of cattle, one 1-year-old and one 2-year-old must be given, because 70 is the sum of 30 + 40. [[Ilm-e-Fiqh, page 25, vol4 / Ahsanul Fataawa, page 271, vol.4 / Fataawa Aalimgiri, page 18, vol.4]

Nisaab for the Zakaat on Goats and Sheep

One goat (male or female) must be given in Zakaat for every 40 goats. From 40 to 120, this is the Nisaab.

From 121 to 200 goats, two goats must be given. From 201 to 399 goats, three goats must be given. For 400 goats, four goats must be given.

Thereafter, one goat must be given for every hundred.
The same Nisaab applies for ***sheep.*** This Nisaab also applies if goats and sheep are mixed. If they are mixed, then the Zakaat will be given from the majority. If they are equal in number, then one has a choice, either to give the cheapest of the highest quality animal, or the most expensive of the cheapest quality animal. [Ahsanul Fataawa, page 272, vol4 / Fiqh-e-Zakaat, page 277, vol.1 / Ilm-e-Fiqh, page 26, vol.4/ Aalimgiri, page 17, vol.4]

Rule Regarding Animals That Die During the Course of the Year.

MAS`ALA : A person had a flock of goats to the value of Nisaab (200 Dirhams). They all died before the year ended. This person took the skins of the goats and dyed them. When he sold them, he gained a profit, more than the Nisaab of Zakaat. Now the year for the Zakaat on the goats had also come to an end. So the Zakaat on this amount (from coloured skins), now becomes Waajib.

MAS`ALA : If a person has accumulated grape juice, with the intention of trading therein. Before the year passes, this juice becomes wine, and thereafter it changes to vinegar, which has a value of Zakaat Nisaab. The year for the grape juice, comes to an end. He does not have to give Zakaat on this vinegar (for this year). The Fuqaha have given the reason as follows; in the previous Mas`ala, the skin of the goats are part of their value, albeit, it was realised only after their death. In this Mas`ala, the grape juice had completely changed it=s form, where one commodity become something completely different. [Fataawa Aalimgiri, page 14, vol.4]

MAS`ALA : There is ***no Zakaat*** on the offspring of animals, **if they are alone** (i.e. there are no adult animals with them). If there is even one adult animal amongst them then they are ***all*** Zakaatable. The Zakaat will be given with this adult animal. If before the end of the year, this adult animal dies, then the Zakaat will fall off all of them. [Imdaad Masaa`il Zakaat, page 51]

Animals Kept for Trade

If animals are kept for resale, then regardless of whether they are fed at home or on free pastures, they are Zakaatable. Their Zakaat is to be calculated according to the Nisaab of normal goods in trade, and they will not be calculated according to their quantity. Their value is taken into consideration, and 2 2 % of their value will be given in Zakaat. [Ahsanul Fataawa, page 277, vol.4]

Those Cattle Kept for the Purposes of Selling Their Milk

Those buffaloes / cows kept at home and fed, are not Zakaatable. However, if they are bought with the intention of trade, i.e. at the time of purchasing them ,they are bought with this intention that their milk will be sold and thereafter, they will also be sold, then Zakaat is Waajib upon their value (as with normal goods in trade). [Ibid.]

Zakaat Upon Crops

Land is one of the greatest blessings of Allaah Ta`ala upon mankind.
Different types of edibles and plants grow thereupon. Many western experts have also given this suggestion that a separate tax be levied upon land, since it is one of the basis of human existence.

In reality, this earth is a great virtue given to mankind by Allaah Ta`ala. HE has made this earth subservient to man, and made it a means of mans existence and sustenance.

This great Mercy of Allaah Ta`ala, can easily be realised by just pondering upon the greatness of how plants and vegetation, spring forth from a seemingly >dead= earth. Rain water is also a great blessing form Allaah Ta`ala.

Similarly, the four seasons and the sun. All these play a great role in vegetation and cultivation.
In reality, Allaah Ta`ala is the Creator and Doer of all these actions. Man cannot even make one small plant grow, regardless of how sophisticated or advanced he may be.

Here, also as with all the other blessings given to us by Allaah Ta`ala, we have to show Shukr (thanks). What better way of showing Shukr is there, other than to give a part of what Allaah Ta`ala has given us in Zakaat ? The poor and needy, should also share and benefit, in the blessings of Allaah Ta`ala. [Fiqh-e-Zakaat, page 251-5, vol.1]

The Proof of >Ushar= (1/10th of Crops) Being Fardh

The proof for giving >Ushar= (1/10th), on fruits and plantations is proven from Qur`aan Shareef and Ahaadith.
Allaah Ta`ala says : ***AAnd fulfill the rights (of Allaah Ta`ala) at the time of harvesting.@*** [Surah An`aam].
Nabi (sallallahu alaihi wasallam) said: ***AThat plantation that is irrigated by rain water, >Ushar= (1/10th) is Waajib thereupon. And that which is irrigated by bucket, Persian wheel (or any other irrigation method), 1/20th is Waajib thereupon.@***

This Hadith Shareef explains the above mentioned Aayat, and is the Tafseer thereof. [Kitaabul Fiqh, page 103, vol.1]

What is the Meaning of >Ushar= ?

>Ushar= means one tenth (1/10th). However, Nabi (sallallahu alaihi wasallam), had in the Ahaadith Shareef,

referred to the significance of >Ushar=, in so far as the Shar`i laws are concerned as being two fold. The one is that 1/10th of crops is Fardh (for Zakaat purposes). The second is 1/20th - this is also regarded as >Ushar= in the Hadith Shareef. In Fiqhi terms, both these are regarded as >Ushar=. It is clear that the Zakaat on an >Ushri= land is an Ibaadat (act of worship). [Imdaad Masaa`il Zakaat, page 81]

What is the Nisaab for >Ushar= ?

MAS`ALA : According to Imaam Abu Hanifah (rahmatullahi alaihi) there is no Nisaab for >Ushar= (to be Waajib). >Ushar= is Waajib upon every large or small cultivation. [Fiqh-e-Zakaat, page 202, vol.1]
Cultivation / crops, regardless how large or how small, in every condition it is Waajib to take out >Ushar= in Zakaat. There is no specific limit of Nisaab for plantations, where if there is less than that amount Zakaat is dropped. Regarding this, the words in the Qur`aan Shareef and Ahaadith are general (hence implying no limit). In the Qur`aan Shareef, the Aayat in Surah Baqarah : ***AAnd from whatever We take out for you from the earth ....@*** , indicates this. [Jawaahir-e-Fiqh, page 274, vol.2 / Fataawa Mahmoodia, page 101, vol.3]

Is >Ushar= Waajib Upon A Debtor ?

MAS`ALA : >Ushar= is Waajib notwithstanding debts. Hence, in a place where >Ushar= is Waajib, debts (of the farmer) will not prevent the dispensing thereof. In those places where >Ushar= is not Waajib, to give it is acceptable. [Fataawa Daarul Uloom, page 166, vol.6]

The Conditions Which Make >Ushar= Waajib

49. To be a Muslim. >Ushar= is a pure Ibaadat, and Ibaadat is not accepted from Kuffaar. [Badaa`i]
50. The land must be >Ushri= land and not >Khiraaji=. [NOTE: Ushri land is that land which once belonged to Non-Muslims and thereafter the Muslims conquered that place and the inhabitants willingly accepted Islaam, or the land was taken by the Muslim ruler and distributed amongst the Muslims. Such land will be regarded as >Ushri=. >Khiraaji= land, is a land which has some tax being levied upon it, i.e. it is not >Ushri=.]
51. The land must be yielding some crops. However, if due to some reason, or one=s own negligence, the land does not produce any crops, then >Ushar= will be dropped off.
52. The plantation must be owing to one=s own sowing, i.e there is no >Ushar= on wild grass and trees, which grow on their own. [Imdaad Masaa`il Zakaat, page 85]

**MAS`ALA :** For all other Shar`i requisites, a necessary condition is maturity and sanity. However, these two are not necessary for >Ushar=. If the owner, or farmer on an >Ushri= land is a child or a madman, >Ushar= will still be binding. This compulsion will be upon the guardians of this child or madman. Contrary to Zakaat, which is not binding on the wealth of a child or madman. [Badaa`i]
MAS`ALA : For >Ushar= to be Waajib, ownership of the land is ***not*** a necessary condition. >Ushar= will be Waajib upon the yield (crops) of a >Waqf= land also. If a person hires, rents or borrows a piece of land, and cultivates it, he will be liable for >Ushar= upon the yields thereof. >Ushar= will not be binding upon the owner of the land in this case.

MAS`ALA : The passing of a year is also ***not*** a condition for >Ushar=. As many times as the land yields crops, that many times is >Ushar= Waajib.

MAS`ALA : Debts of the farmer are ***not*** deductible from the >Ushar= dues. [Ushar Wa Khiraaj ka Ahkaam, page 272 / Jawaahir-e-Fiqh, page 271, vol2 / Ahsanul Fataawa, page 345, vol.4]

MAS`ALA : Another condition is that the cultivation that are yielded, are >farming= type crops. Hence, there is no >Ushar= upon bamboo, grass, wood, reeds etc. Because these things are not generally cultivated as they are not directly beneficial to man. However, if these commodities are sold and the revenue therefrom is more than the Nisaab of Zakaat, Zakaat will have to taken out on this amount.

MAS`ALA : A condition of >Ushar= is that the land must have crops thereupon. Contrary to >Khiraaj= (land tax), where the >Khiraaj= is Waajib thereupon, as long as the land is cultivatable, and there does not have to be any crops on it. Similarly it is necessary for the owner of the land to be knowledgeable regarding farming. Therefore if a person has the ability to farm but he does not do so, >Ushar= will not be Waajib upon him, but >Khiraaj= will be, because the land has the quality of being cultivated.

In short, the condition of Zakaat on land (>Ushar=), is that there must be plantations on the land, whereas the condition for >Khiraaj= is that the land has the ability to yield crops. [Kitaabul Fiqh, page 1004, vol.2]

Laws Regarding >Ushar= and >Khiraaj=

>Ushar= and >Khiraaj= are Shar`i terms. The common factor between the two is that they are dues / >tax= upon land. The difference is that >Ushar= is ***not a tax***, it is an Ibaadat. Therefore it is known as >Zakaatul Ard= (Zakaat on land). >Khiraaj= is purely a tax, which has no relationship to Ibaadat. Hence, >Ushar= is regarded as the land of Muslims. A practical difference between the two is that crops are a necessary condition for >Ushar=. >Ushar=

will not be Waajib, regardless of whether the land is not cultivated due to the owners negligence or purposeful intent. >Ushar= is the name given to one portion of the crops. >Khiraaj= will be necessary, even if the land is not cultivated. [Shaami, page 73, vol.2]
Amongst the conditions of >Khiraaj=, is that the land must be cultivatable. If the land is a barren land, (like a desert), where no beneficial crops grow thereupon, or it is such that no water can reach there, and rain hardly ever falls there, then >Khiraaj= is not necessary here. [Badaa`i / Jawaahir-e-Fiqh, page 347, vol.2]

MAS`ALA : All crops cultivated are Zakaatable (Ushar). Regardless of whether the resultant crop is fruit or grains. Therefore >Ushar= is Waajib upon farmland and gardens alike. [Imdaadul Fataawa, page 69, vol.2]

Difference Between >Ushar= and Zakaat

The practical difference between Zakaat and >Ushar=, is that Zakaat is Waajib upon goods in trade, gold and silver etc., which is kept for a year and it is equal to Nisaab. In fact even if one does not benefit from this wealth, or he evens sustains a loss thereupon, Zakaat will still be Waajib, as long as it is Nisaab amount. Whereas >Ushar= is only payable, if the land yields crops. If there are no crops, then >Ushar= is not necessary. [Jawaahir-e-Fiqh, page 247, vol2]
MAS`ALA : That >Khiraaj= (land tax) taken by a government, is not >Ushar=. [Fataawa Mahmoodia, page 138, vol.11]

Is >Ushar= Waajib Upon the Land in India ?

MAS`ALA : That land which belongs to and is fully owned by Muslims in India (South Africa as well), >Ushar= is Waajib thereupon, if the land is cultivated.

MAS`ALA : All the land in India (South Africa also), is not regarded as the same. That land belonging to and cultivated by Muslims is Zakaatable (>Ushar=). They should give >Ushar= thereupon. [Jawaahir-e-Fiqh, page 261]

MAS`ALA : Since, >Ushar= is in the same category as Zakaat, and Zakaat is necessary on wealth in all places, so too, >Ushar= is Waajib in all places (whether Islaamic or un-Islaamic countries). If >Khiraaj= (land tax) is taken from an >Ushri= land, then too >Ushar= will be Waajib and binding, in the sight of Allaah Ta`ala. Similarly, the owner must take out >Ushar= and give it to the poor. Therefore, the safe and precautionary step to be followed by Muslims, is that they must take out >Ushar= on their land. [Fataawa Daarul Uloom,, page 189, vol.6]

**MAS`ALA :** The precautionary step is that a person must give >Ushar=, wherever possible, in order to achieve blessings and pleasure of Allaah Ta`ala. [Nizaamul Fataawa, page 357, vol.1]

The Ruling Regarding Those Things Which Are Stored

MAS`ALA : If >Ushar= was given once on a crop, then regardless of how many years it stays in storage or with the farmer,, >Ushar= will not be payable again, on the same (crop). Zakaat is only payable, every year on wealth that

has the ability to increase, and crops, after they have been harvested, do not increase, hence Zakaat >Ushar= is not Waajib thereupon any more. [Fiqh-e-Zakaat, page 192, vol.1]

Upon What is >Ushar= Waajib ?

>Ushar= is the Zakaat on crops. If the crops are irrigated by means of rain water or naturally, then at the time of harvesting the crops, 1/10th thereof must be given in the path of Allaah Ta`ala. If the land is irrigated owing to one=s own efforts, then 1/20th thereof must be given as Zakaat.

>Ushar= is due upon the person who makes the effort on the land.

>Ushar= must be given to those people who are worthy of Zakaat.

>Ushar= is a separate Zakaat, hence it has to be given, even if one had already given Zakaat on his other wealth.

>Ushar= is Waajib each time the land yields new crops.

According to Imaam Saheb (rahmatullahi alaihi), >Ushar= is also Waajib upon that crops planted and reaped for use as animal fodder. [Aap ke Masaa`il, page 400, vol.3 / Fataawa Mahmoodia, page 100, vol.3]

According to Imaam Saheb (rahmatullahi alaihi) all crops, be they fruits, vegetables, greens or fodder for animals, if they are planted and reaped by the farmer, >Ushar is

Waajib thereupon. (Normal) Zakaat is not payable on crops, only >Ushar= is payable. [Ibid]

MAS`ALA : That land upon which grows fodder for animals, without it having been planted or cultivated, >Ushar= is not Waajib thereupon. [Fataawa Daarul Uloom, page 186, vol.6]

>Ushar= on Crops Sold Prior to Their Ripening

MAS`ALA : If crops are sold before they ripen and harvested, then the >Ushar= will be binding upon the buyer (Muslim), when they are harvested. If the land is sold after ripening then the >Ushar= is binding upon the seller.

MAS`ALA : The Zakaat on a fruit-bearing tree becomes Waajib when, the fruit upon it ripen, and there is no fear of it becoming spoilt. At the time of plucking the fruit, that part which is Waajib has to be separated and given in Zakaat. However, the >Ushar= on grain etc. becomes Waajib at the time when the harvesting is complete, and the land is cleared. If the entire crop is destroyed, without any fault of the farmer, then the >Ushar= also falls away. [Kitaabul Fiqh, page 1005]

Ruling Regarding A Useless Crop

If the land yields so little crop, which is of no use to the farmer, as far as selling it, then too >Ushar= has to be given thereupon. [Fataawa Daarul Uloom, page 76, vol.6]

>Ushar= Upon Land Which Benefits Jointly

If the owner of a land gives the land to a farmer to cultivate on this condition that the owner gets a certain share of the crop and the farmer gets the other share, then the >Ushar= will be due upon each of them according to their shares. [Fataawa Daarul Uloom, page 159, vol.6 / Aap ke Masaa`il, page 421, vol.3]

Is >Ushar= Payable After Deduction of Expenses ?

MAS`ALA : Expenses are ***not deducted*** from >Ushar=. The entire 1/20th must be given from the resultant crops [1/20th because the land which has expenses - i.e. irrigation methods employed and chemicals used etc., is only liable for 1/20th >Ushar=]. The seeds used for planting are also included as being expenses. [Aap ke Masaa`il, page 411, vol.3]

MAS`ALA : The price for labour and other expenses spent on cultivated land ***is not deductible*** from >Ushar=. [Fataawa Daarul Uloom, page 185, vol.6]

**MAS`ALA :** >Ushar= is due upon the entire crop. The expenses for sowing, ploughing, harvesting, storing, labour, chemicals etc. are all taken out ***after*** the >Ushar= has been paid. [Imdaad Massa`il Zakaat, page89/ Kitaabul Fiqh, page 1004, vol.1]

Is There Zakaat Upon the Value of the Farmland ?

MAS`ALA : There is ***no Zakaat*** on the value of the farmland. (Regardless of how expensive it may be). >Ushar= is to be paid on the crops of land only. If there are

no crops, then no >Ushar= will be paid. [Fataawa Daarul Uloom, page 57, vol.6]

Is the Crops From Which >Ushar= Has Not Been Paid Halaal Or Haraam?

MAS`ALA : That crop from which >Ushar= has not been paid is Halaal. However, the farmer is liable for sin and he is a Faasiq if he does not give the >Ushar=. [Fataawa Daarul Uloom, page 180, vol.6 / Fataawa Mahmoodia, page 51, vol.3]

Those Things Upon Which >Ushar= is Waajib

MAS`ALA : Grain, fruit, vegetables, greens etc., whatever the land yields (after planting) is Zakaatable. [Fataawa Aalimgiri, page 183]

MAS`ALA : If honey is extracted from an >Ushri= land, regardless of whether it is from a jungle or mountain, >Ushar= is due thereupon. [Durrul Mukhtaar, page 139]

MAS`ALA : ***All*** types of fruits and vegetables [nuts included] are Zakaatable (>Ushar=). [Ibid]

MAS`ALA : If any of the crop is used before giving the >Ushar= it must be recorded, so that it is included in the calculation of >Ushar=.

Some Important Rules Regarding >Ushar=

MAS`ALA : It will **not be permissible** to give >Ushar= on one=s crops ***before they are planted.*** Similarly, it will also ***not be permissible*** to give it after planting it but ***before it is grown.*** It is also ***not permissible*** to give >Ushar= on fruits ***before they appear (on the tree).*** If it is given ***after the fruit appears on the tree, then it will be acceptable.*** [Shaami]

MAS`ALA : If the land is given on hire, then the >Ushar= is due upon the lessee.

MAS`ALA : If a person bought a land for the purposes of trading, thereafter he cultivates the land, then >Ushar= is Waajib upon the crops and ***not normal Zakaat (on goods in trade).***

MAS`ALA : If the ruler or king of the time, forgives the farmer=s >Ushar= (i.e allows him not to pay), then too >Ushar= will ***still be binding upon him to give.***

MAS`ALA : If one did not give >Ushar= in the past, then this is still binding upon him. He must calculate the exact amount and give it. If he dies, then he must bequest it.

MAS`ALA : If a person gives money to the value of the >Ushar= due on him, it will suffice. [Shaami] {This applies to >Khiraaj= as well.}

MAS`ALA : Any other form of tax, given on an >Ushri= land, will not negate the necessity of >Ushar=.

MAS`ALA : If a person has grown tobacco on >Ushri= land, then >Ushar= will be Waajib there also.

MAS`ALA : If someone changes a plot of residence into a garden, then >Ushar= or >Khiraaj= will be binding thereupon. If another >Ushri= land is close by, then >Ushar= will be due on that land also. If a >Khiraaj= land is close by, then >Khiraaj will be due thereupon. If both types of land are equally close by, then >Ushar= will be due on that land.

MAS`ALA : If a person has made a garden in the courtyard of his residence, then neither will >Ushar= nor >Khiraaj= be binding thereupon. [Ahsanul Fataawa, page 357, vol.4]

Upon Whom is the >Ushar= Or >Khiraaj= Binding, If the Land is Sold ?

MAS`ALA : If the land is sold when three months or more is left for the end of the year, and the seller had not in the past reaped any crop from that land, then the >Khiraaj= will be upon the buyer. If the seller had reaped some crop in the past, then the >Khiraaj= will be shared equally amongst the buyer and the seller. If less than three months remain for that year (of sale), then the >Khiraaj= is on the seller. If at the time of selling the land had crops, but it (land) was sold, just before the crops were prepared (harvested), then the >Khiraaj= is upon the buyer, provided the seller had not reaped any crops prior to this, otherwise, they (buyer and seller) will have to share the >Khiraaj=. [Ahsanul Fataawa, page 359, vol.4]

MAS`ALA : If a farm land is sold before it yields it=s crops, then the Zakaat (>Ushar=) will be Waajib upon the buyer. If

it is sold after the crops are ripe, then the >Ushar= is upon the seller. [Kitaabul Fiqh, page 1004, vol.1]

>Ushar= is Not Waajib on the Following

MAS`ALA : Those crops which are not intended as wealth, are not Zakaatable. Like, reeds, useless wood and grass, leaves from a fruit tree etc. If these are intended and regarded as wealth, like bamboo which is used for furniture, then >Ushar= will be Waajib thereupon. [Durrul Mukhtaar]

MAS`ALA : The chaff and husk, which falls of from the grain is not Zakaatable, as it is not the object of the crop. [Shaami] {If it is used, as today we have wheat bran and digestive wheat etc. ,then it is Zakaatable}.
MAS`ALA : If a tree, which is in one=s own house garden, bears fruit, it is not Zakaatable. This is regarded as being subservient to (part of) the house. [Shaami] - {This will also apply if this tree or vegetables were planted by one, in one=s own garden - for personal use}

Is There Zakaat on the Proceeds of the Sale of An >Ushri= Land ?

If a person sold a land, upon which he has already given >Ushar=. Thereafter, his annual Zakaat falls due. Now he will have to give Zakaat upon this money, which he has received from the sale of the land also. [Aap ke Masaa`il, page 409, vol.3]

Is There Zakaat on the Sale of Crops After Giving the >Ushar=?

If a person had already given his >Ushar= on his crops, thereafter he sells the remaining crops. Zakaat on this money (from the sale of crops) will be Waajib, ***if*** it is Nisaab amount and a year passes over it, ***or*** he was Saahib-e-Nisaab, and the time has come for him to give his annual Zakaat, and he has the proceeds of the sale of the crops with him. [Ibid / Fataawa Mahmoodia, page 100, vol.3]

Conditions Which Remove The Obligation of >Ushar=

**MAS`ALA :** If the entire crop is destroyed without the farmers action (due to natural conditions etc.), then he does not have to give >Ushar=. If only a portion is destroyed, then the >Ushar= for that portion is excused, the rest is still Zakaatable (>Ushar=). [Bahrur Raa`iq]
MAS`ALA : If the farmer destroys the crops voluntarily, then he is still liable for the >Ushar= thereupon. If someone else destroys the crops, then the farmer has to give the >Ushar= from what he reclaims against the perpetrator. [Ibid]

MAS`ALA : >Ushar= is not Waajib upon such a poor person, who is himself a recipient of Zakaat. [Imdaadul Fataawa, page 69, vol.2]

The Recipients of >Ushar=

The recipients of >Ushar= are the same as for the recipients of Zakaat. [Imdaad Masaa`il Zakaat, page 90]

How is it to Give Zakaat (>Ushar=) to Farming Institutes / Trusts Etc.?

MAS`ALA : Zakaat may be given to those organisations, which one has full trust and confidence, that they will disperse of the Zakaat properly. It should not be given to those in whom one does not have this surety. If the Zakaat is not dispersed properly, then the giver will have to give his Zakaat again. [Aap ke Masaa`il, page 403, vol.3]

Entrusting the Zakaat to A Non-muslim

MAS`ALA : It is not permissible to entrust the duty of dispensing Zakaat to a non-Muslim. This is an insult and a slur upon the Muslims. There is always a fear of deceit and dishonesty from a non-Muslim. [Fataawa Rahimia, page 158, vol.5]

Are the Goods to Be Given in Zakaat Or the Monetary Value ?

MAS`ALA : Zakaat may be given in the goods in question or in monetary value. If it is given in monetary value, then that value of the goods are to be taken into consideration, which is the market value at the time of giving the Zakaat. Therefore, if a person had to give Zakaat of one goat, and the value of the goat at the end of the year when the Zakaat fell due was R300.00. And the value of a goat at the time of giving the Zakaat is R500.00. Then he has to give R500.00 in Zakaat. [Ilm-e-Fiqh, page 29, vol.4]

How is it to Give An Item in Zakaat, That Does Not Sell in One=s Shop?

To give in Zakaat an item which does not sell well, or is of inferior quality, is contrary to the sincerity of intention of Zakaat. However, the Zakaat will be discharged to the present market value of the item. [Aap ke Masaa`il ,page 382, vol.3] {If the item has no resale value, then the Zakaat will not be discharged}.

Use of Zakaat Funds Prior to Giving it

If a person has taken out his Zakaat, but he has not yet given it to the recipient, the wealth remains his property. If he uses it for whatever reason, it will be correct. {However, the Zakaat must still be paid thereafter}. [Aap ke Masaa`il, page 414, vol.3 / Fataawa Mahmoodia, page 142, vol.11]

How is it to Give Zakaat From the Takings of Interest ?

**MAS`ALA :** Interest cannot be given to anyone with the intention of reward. In fact it should be given to the poor and needy, without any intention of reward. Zakaat cannot be given from interest. [Aap ke Masaa`il, page 414, vol.3 / Ahsanul Fataawa, page 284, vol.4]

In Which Currency Should Zakaat Be Given ?

If a person sends his / her Zakaat to another country then the currency, in which he is going to send his Zakaat depends on the currency he used to calculate his wealth in. Zakaat is 1/40th of one=s wealth. Hence, it will be 1/40th of the currency used in one=s wealth calculation.

How is it to Give Zakaat in Advance ?

Zakaat becomes Waajib upon a person one year after he becomes Saahib-e-Nisaab. If a Saahib-e-Nisaab gives Zakaat before the time that it becomes Waajib upon him, then it will be correct. It does not have to be necessarily given after it falls due. [Fataawa Rahimia, page 159, vol.5 / Fataawa Daarul Uloom, page 245, vol.6 / Fiqh-e-Zakaat, page 265, vol.2]

Details Regarding Giving Zakaat in Advance

MAS`ALA : It is permissible to give Zakaat before it falls due, i.e. in advance. In will however, not be permissible to give it before one becomes owner of Nisaab.

There are three conditions attached to giving Zakaat in advance. The first condition is that at the time of taking out the advance Zakaat, one=s Zakaat year must have already begun.

The second condition is that the Nisaab of which one is giving the Zakaat of, does not diminish at the end of the year.

The third condition is that during the year one=s original Nisaab does not deplete.

Examples where advance Zakaat is not accepted are as follows :

< A person has gold or silver to the exact value of Nisaab, or he has goods in trade to the exact value of

Nisaab (say R400.00). Although a year was supposed to have passed before he gives his Zakaat, nevertheless, he gave his Zakaat in advance. Now he will have less than the Nisaab amount, because he gave Zakaat from this wealth. Assuming he had cash, to exact Nisaab value and he gave R10.00 in Zakaat. Now until the end of the year he still has the balance, i.e R390.00, which is less than the Nisaab value.

< Another example is if a person has wealth less than the Nisaab of Zakaat, but he gives (assuming a definite increase) Zakaat upon that money. Then, later (after giving the Zakaat) he does get more wealth, which is more than the Nisaab. - his Zakaat will not be accepted. He will have to give Zakaat again on all his wealth, one year after he had received the wealth which made him Saahib-e-Nisaab (provided, of course, that he still is a Saahib-e-Nisaab).

< If a person has Nisaab amount and he gives his Zakaat in advance, however, at the end of the year (when he was actually supposed to give the Zakaat), he does not have wealth to the value of Nisaab. Now, the money , that he gave as Zakaat will be regarded as Sadaqah. [Tahtaawi]

Just as it is permissible to give Zakaat in advance upon one Nisaab, it is also permissible to give Zakaat in advance, upon different Nisaabs (eg. If a person has cash, gold and free-grazing animals).

MAS`ALA : A person has 200 Dirhams (Zakaat Nisaab), but he gives advance Zakaat for 1000 Dirhams. During the year he receives more money and at the end of the year he has 1000 Dirhams. Now his advance Zakaat will suffice for

all this as well. However, if (same person), does not get any money during that year, but he gets more money during the following year. Now, the Zakaat he gave for the 1000 Dirhams will not count for this new wealth. This new wealth is Zakaatable for the end of this second year. [Bahrur Raa`iq]

Since the reason for giving Zakaat is present, one may give Zakaat in advance for more than a year [Hidaayah] {Provided one=s intention clearly specifies the amounts intended for each year}.

MAS`ALA : If a person has 1000 Dirhams, and he gives Zakaat for 2000 Dirhams. At the time of giving the Zakaat, he has this intention, that if at the end of the year, he does not have 2000 Dirhams, then this Zakaat (1000 Dirhams) will be for the next year. This is also permissible.

MAS`ALA : If a person actually has 400 Dirhams but he assumes (mistakenly) that he has 500 Dirhams, and he gives the Zakaat thereupon. Later, he realises his error. Now, this person has a choice. If he wishes to, he may consider this extra Zakaat as advance payment for the next year. [Aalimgiri, page 31, vol.4]

If the Person Who is Given Zakaat in Advance Becomes Rich Before the End of the Year Or He Passes Away

MAS`ALA : If a person gives Zakaat in advance, and the recipient thereof, becomes wealthy (Saahib-e-Nisaab) before the end of the year (when one=s Zakaat had actually become due), or he (recipient of Zakaat) dies, or

(Naoothubillah) becomes Murtad (renegade) before the end of the year. This Zakaat, given in advance, is valid and accepted. [Fataawa Aalimgiri, page 15, vol.4]

MAS`ALA : (The reason for the above) Is that the Zakaat or >Ushar= which is given in advance, is considered as being accepted and valid ***at the time of giving it to the poor person.*** If at the time of giving it, the recipient was worthy thereof, then it will be regarded as being discharged. [Aalimgiri, page 48, vol 4]

If There is A Doubt Regarding One=s Zakaat

MAS`ALA : If a person has a doubt regarding whether he had given his Zakaat or not, then as a precautionary measure, the Zakaat must be given again. [Fataawa Aalimgiri, page 24, vol.4 / Ilm-e-Fiqh, page 31, vol.4]

Who is Included Under the Definition of >Fi Sabeelillaah= (Those in the Path of Allaah) ?

MAS`ALA : The conditions of Zakaat regarding the ownership of the recipient of the Zakaat, must be kept in mind, when giving Zakaat to anyone. [Fataawa Daarul Uloom, page 290, vol.6]

The literal meaning of the word, >Fi Sabeelillaah= is very general and commonly used. Any good work and action done for the pleasure of Allaah Ta`ala, is included here. Those people who only look at the literal meaning of the word and ignore the interpretation of the word given by Nabi (sallallahu alaihi wasallam) and the Ulama of Tafseer are committing a grave error, in that they give their Zakaat

in all those avenues, where some work is carried out > in the path of Allaah=. For example, they give to the Masaajid, Madaaris, clinics, wells, roads etc., and all such works which are for the benefit of mankind. This is a grave mistake that they are making, and it is also contrary to the consensus of the Muslim Ummat.

Those who have sanctioned the giving of Zakaat to poor Madressah students and for other poor persons involved in Deeni work, have done so, not because they are >fi Sabeelillaah=, but because they are poor and needy, and therefore fall under the category of being worthy recipients of Zakaat.

Upon careful consideration, if this word >fi Sabeelillaah= was to be taken literally, then ***every other action done by all and sundry*** would be categorised as being >fi Sabeelillaah=, as it will be done for the pleasure of Allaah Ta`ala. Then the 8 categories of persons outlined in the Qur`aan Shareef as being the worthy recipients of Zakaat, would be superfluous. As Nabi (sallallahu alaihi wasallam) had mentioned that the recipients of Zakaat were stated by Allaah Ta`ala Himself, and He had not even placed this assignment (of specifying the recipients) in the hands of His Nabi (sallallahu alaihi wasallam). Now, then if Zakaat was to be spent on every person involved in some sort of Ibaadat and good action, then this definition of the word given by Nabi (sallallahu alaihi wasallam) would be pointless and superfluous. We should understand well that the import and definition of the word >fi Sabeelillaah=, which Allaah Ta`ala had stated is not that which is generally accepted (literal meaning), it is the definition

outlined by Nabi (sallallahu alaihi wasallam) and the Mufassireen. [Ma`ariful Qur`aan, page 408, vol.4]

{***NOTE :*** The definition of >Fi Sabeelillaah= given by the Mufassireen is that Muslim warrior (Mujaahid), who does not have sufficient money to equip himself for Jihaad. Also included under this definition is that person upon whom Hajj had become Fardh and due to some unfortunate circumstances, he had lost all his wealth, and cannot complete his Hajj.}

The Sequence of the Worthy Recipients of Zakaat

Upon careful inspection of the 8 recipients, outlined in the Qur`aan Shareef, one would note the (Divine) sequence therein. Firstly is mentioned those two categories, who are most worthy (of Zakaat), the >Fuqara= and the >Masaakeen= (poor and needy). The most important object of Zakaat is the assistance of these two types of persons. Thereafter, those recipients are mentioned, whose need is secondary, and temporary, hence they have not been mentioned first. Third is mentioned the >Aamileena Alaiha= (those who are deputed to collect the Zakaat) - {NOTE : This is ONLY for people in a Muslim country, and the Muslim Ruler may distribute the wage if those who administer the Zakaat from Zakaat funds). Fourthly, >Almu`allafatu Quloobuhum= (those whose hearts are inclined towards Islaam) - {NOTE : This category has since been excluded from the worthy recipients of Zakaat by a unanimous decision of the Sahabahs during the reign of Hadhrat Umar (radhiAllaahu anhu)}. The fifth category, is to assist slaves with Zakaat money for their freedom. Sixth, is to assist those, who are in debt, in order for them to fulfill their

debts {NOTE: If the debt has been incurred due to a Haraam reason, then they should NOT be assisted}. Seventh, is >fi Sabeelillaah=, (this has been mentioned in detail above). They are to be assisted with Zakaat, after one has seen to the above categories, or when the need for the above may not be as great as this one in any particular incident. Finally, the eighth category is >Ibn Sabeel= (travellers). This category is the least important with regard to the above seven. [Haqeeqat-e-Zakaat, page 25]

Does Zakaat Have to Be Distributed Amongst All the Categories At Once?

The majority of the Ulama have ruled that Zakaat does ***not*** have to be distributed amongst all the recipients at once. One should give it to whoever is in need thereof, at a particular time. The distribution has been left to the just discretion of the giver. Imaam Shaafi`i (rahmatullahi alaihi) has differed with all the other three Aimma with regard to this matter. [Haqeeqat-e-Zakaat, page 24 / Kitaabul Fiqh Alal Mazaahibil Arb`a, page 1013, vol.1 / Ilm-e-Fiqh, page 44, vol.4]
{NOTE: Shaafi=s must refer to a Shaafi Aalim regarding their distribution}.

Regarding the >Aamileena Alaiha=

The category >Aamileena Alaiha= (those who are deputed to collect the Zakaat), refers ***only to a Muslim country. It refers ONLY to those deputed by a Muslim Ruler to collect Zakaat.*** Regarding this category there are many advices given by Nabi (sallallahu alaihi wasallam) regarding their just collection of the Zakaat. And regarding their ***not***

accepting gifts etc. These will not be discussed here, as it is not relevant in present times.

Are the Madressah Collectors and Other Collectors of Zakaat Etc. for Organisations Also Regarded As >Aamileena Alaiha=?

The collectors of Zakaat, who are employed by, or do it on behalf of a Madressah or any other organisation, are ***not regarded as >Aamileena Alaiha=.*** They are not the representatives of the poor. They are the representatives of the wealthy and the Saahib-e-Zakaat people to distribute their Zakaat on their behalf, ***hence, they CANNOT be paid from Zakaat funds.*** Their wages must be borne by the committee employing them. {NOTE: A necessary condition of being included as >Aamileena Alaiha=, is to be appointed by a Muslim Ruler of a Muslim country, to collect the Zakaat funds. Only such persons may be paid their wage from the Zakaat funds. Zakaat organisations which are common today are comprised of self-appointed collectors and directors. They must find other ways to pay themselves for the work that they do. ***They are not allowed to pay themselves with Zakaat funds which they collect. If they use Zakaat funds to pay their collectors, then that Zakaat IS NOT DISCHARGED, and the givers of that Zakaat will have to repay their Zakaat.}*** [For more details regarding this subject refer to Ma`ariful Qur`aan, page 399, vol.4]

>Advertising= One=s Zakaat

MAS`ALA : It will be permissible to >advertise= one=s Zakaat, only for this reason that one wishes to encourage others to give their Zakaat thereby. It is not permissible to

>advertise= one=s Zakaat for >name and fame=. To do so deprives one of the reward of the Zakaat. [Aap ke Masaa`il, page 378, vol.3]

**MAS`ALA :** The Fuqaha have stated that it is better for a person to give Zakaat (Waajib charity), whilst >announcing= it (as an encouragement to others, NEVER with pride - see above Mas`ala). However, Nafl (optional) charity should be done quietly and inconspicuously. [Fataawa Aalimgiri, page 4, vol.4]

Sending Zakaat to Other Places

It is Makrooh-e-Tanzihi to send one=s Zakaat to another place. However, if in the other place there are some poor relatives, or people more deserving than one=s own town people, or poor Madressah students etc. , then it will be permissible. In fact one=s own poor family (***not immediate family, father, sons etc.)*** are more deserving of one=s Zakaat than others. [Ahsanul Fataawa, page 249, vol.4 / Fiqh-e-Zakaat, page 353, vol.2 / Ilm-e-Fiqh, page 47, vol.4]

MAS`ALA : If the people of the other town are more deserving (poor), and there are family relatives who are in need, or in that place there are Madressah students who are needy, then to send one=s Zakaat there, when there is a surety that the Zakaat will not be abused, is more virtuous. Provided one has sincerity of intention. [Fataawa Mahmoodia, page 109, vol3 / Fataawa Rahimia, page 155, vol.5 / Ma`ariful Qur`aan, page 411, vol.4]

How is it to Delay the Giving of Zakaat, If Recipients Cannot Be Found?

Although it is permissible to delay the giving of Zakaat, for this reason, it is better to discharge the Zakaat as soon as possible. To unnecessary delay the Zakaat (through laziness etc.), is Makrooh. [Fataawa Mahmoodia, page 33, vol.3]

To >Create= An Income for the Poor Through Zakaat

If a person has accumulated a large sum of Zakaat and decides that, instead of giving it to the poor he will erect a building etc. for the poor and allow them to benefit thereby, or for the use of poor students, or so that the poor may benefit from the income of such a project etc., then the Zakaat will not be discharged, unless he makes the poor people the owners of the property. {This is not practical, because if given to one person, he will become wealthy and this is Makrooh, if many are given ownership, it is bound to give rise to many problems.}. Therefore this is not permissible.
A necessary condition for Zakaat is that the recipient ***must be given full, unattached ownership of the Zakaat.*** [Fataawa Rahimia, page 8, vo.2 / Fataawa Daarul Uloom, page 240, vol.6]

Giving Zakaat Money on Loan to Poor to Conduct Business?

Some people (committees, societies etc.), collect Zakaat money, which they give to poor people on loan, in order to start businesses. Thereafter this loan is paid back, which is then given to other poor persons. ***This is not permissible,*** and Zakaat is not discharged in this way. Complete, unattached ownership is absolutely necessary for Zakaat. When Zakaat is given to someone, he becomes the full

owner thereof, and he can do as he pleases with it. If the above way of distributing Zakaat is done with the consent of the original giver of the Zakaat, then too it is not permissible, and Zakaat is not discharged. [Fataawa Rahimia, page 203, vol.3 / Fataawa Daarul Uloom, page 195, vol.6]

Is it Permissible to Discount An Item to A Poor Person with the Intention of Zakaat ?

It is ***not permissible to discount an item,*** to a poor person with the intention of Zakaat. Zakaat in this way is ***not discharged.*** The shopkeeper must separate the item into two parts (if possible), then he should sell the one part for a cheap price and give the other part to the poor person as Zakaat. Alternatively, he must sell the item for it=s full price, then he must give a portion of the sale to the poor person. [Fataawa Mahmoodia, page 35, vol.3]

Who Can Accept Zakaat and to Whom Should it Be Given ?

MAS`ALA : That person who does not have wealth to the value of Nisaab, besides his basic necessities, can be given Zakaat, and such a person can accept it. Included in basic necessities is a house to live in, clothes for wearing, household utensils and furniture etc. If a person has wealth to the value of Nisaab and he has no debts, Zakaat cannot be given to him, nor can such a person accept Zakaat. [Ma`ariful Qur`aan, page 396, vol.4]

Is it Necessary to Investigate the Condition of the Recipient ?

We gather from the Ahaadith and the Aimma, that it is not necessary to investigate the condition of the recipient. As

long as one can ascertain from his external condition that he is poor and needy, Zakaat may be given to him. [Ma`ariful Qur`aan ,page 412, vol.4]
{NOTE: In present times, since many people tend to deceive in order to get Zakaat, some investigation may be necessary}.

Should Zakaat Be Given to Needy Madressah Or College Students ?

It is by far much more virtuous and rewarding to give Zakaat and any other charity to worthy students and persons involved in Deeni activities. This is borne out by the Hadith as well, Nabi (sallallahu alaihi wasallam) said : ***AYou should eat pure food, and feed the pure children of Aadam.@***
[For more details and explanation on this matter refer to Fataawa Rahimia, page 5, vol.6 and Kifaayatul Mufti, page 275, vol.4]

Having Representatives for One=s Zakaat

MAS`ALA : It is permissible to have a representative to dispense of one=s Zakaat. However, the following two points must be kept in mind, when giving your Zakaat to any person or organisation to distribute your Zakaat :

53. The person or organisation that you are giving your Zakaat to must be reliable (preferably Muttaqi (pious persons) and not Faasiqs). They must be such that they will distribute your Zakaat according to the Shariah.
54. As long as your wealth remains in the custody of the representative, it is as though you have it with you. The Zakaat will only be discharged once the money has been given to the recipients (poor). Many organisations have this slovenly habit of keeping Zakaat

funds for many years. [Imdaad Masaa`il Zakaat, page 70 / Fiqh-e-Zakaat, page 394, vol.2]

To Specify Conditions to the Representative

If someone gives his Zakaat to his representative and specifies that the money be given to Zaid. The representative gives the money to Bakr, who is also worthy of Zakaat. According to Shaami, there are two views regarding this type of mas`ala. One is that the Zakaat will be discharged, and the other is that it will not be discharged and the representative is liable for the amount he was entrusted with. Therefore, the safer method is that the Zakaat be given to the one who was specified. [Fataawa Daarul Uloom, page 65, vol.6]

MAS`ALA : If you tell someone to give Zakaat on your behalf, and the latter does so. Zakaat will be discharged, and you will be liable to him for whatever amount he has given on your behalf. [Shaami, page 14, vol.2 / Bahishti Zewar, page 29, vol.3]

Can the Representative Appoint A Deputy ?

MAS`ALA : If you have given your Zakaat to a representative, and he in turn gives it to the poor or he gives it to someone else to give it on your behalf, then this will be correct. At the time of the representative giving it to another person it is not necessary for him to specify that it comes from you. If this third person gives this Zakaat to his own needy relatives then it will be correct. However, if he is

poor himself, then he cannot take the money himself (as he was told to give it to some poor). However, if you had specified that the representative does as he pleases with the Zakaat, i.e. he may give it to whoever he wishes, in whatever amounts he deems fit, then if this third person takes it himself, and he is needy and worthy of Zakaat, then it will be correct. [Imdaad Masaa`il Zakaat, page 16]

If the Representative Changes the Denominations of the Money

If someone gives a representative Zakaat (eg. 4 X R100 notes) to give to the poor, then this representative changes this and gives 8 X R50 notes to the poor recipient, this will be acceptable and correct. However, it is better to get consent of this from the giver of the Zakaat. [Ahsanul Fataawa, page 290, vol.4]

MAS`ALA : It is impermissible for the representative to mix the Zakaat money given to him, with his own money. The Zakaat will only be deemed as being discharged when the money reaches its correct recipients. If this mixing was done with the consent of the giver, then at the time when the representative gives the Zakaat, he must do so with the intention that it is the Zakaat of the original giver. If this was done without the express consent of the giver of the Zakaat, then his Zakaat will ***not be discharged.*** Whatever, the representative gives to the poor, will be regarded as being a gift or Sadaqah from the giver of Zakaat. [Fataawa Daarul Uloom, page 63, vol.6]

MAS`ALA : If you give your Zakaat to someone to dispose of it on your behalf, and he does not give the exact same money that you gave him in Zakaat, but he gives his own money to the poor, thinking that he will replace it with your

money, then Zakaat will be discharged, on condition that, he still has your money present by him (not necessarily on his person), and he later takes that money in replacement of his. If he spends your money and thereafter he gives Zakaat from his own wealth, then your Zakaat will not be discharged, or he has your money with him, but at the time of giving the Zakaat, he does not make the intention that he will replace his money with yours. In this case also Zakaat will not be discharged. Now he will have to give this money of yours again in Zakaat. [Bahishti Zewar, page 29, vol.3]

Can Something Be Bought with Zakaat Money and Given to the Poor?

The consent (express or implied), of the giver of the Zakaat is necessary for the representative to purchase something with the Zakaat money and give to the poor. [Ahsanul Fataawa, page290, vol.4]

Can A Representative Give the Zakaat Money to His Blood Relatives?

MAS`ALA : A representative of Zakaat may give the Zakaat money to his blood relatives. [Ibid]
{NOTE: A person cannot give his own Zakaat to blood relatives}

MAS`ALA : A representative may give the Zakaat money (which he was deputed with), to his wife or son, if they are worthy thereof. However, he cannot keep the money for himself, even if he is worthy thereof. (Unless the giver of the Zakaat said to him at the time of giving the Zakaat that he (Representative) can spend it (Zakaat) however he (representative) wishes - in effect he is given ownership).

[Durrul Mukhtaar, page 130, vol.1 / Fataawa Aalimgiri, page 40, vol.4]

If the Zakaat is Destroyed Whilst with the Representative

If the Zakaat is destroyed whilst with the representative, then the Zakaat *is not discharged.* If the money was not destroyed due to the representatives negligence, then he is not responsible thereof. [Ahsanul Fataawa, page 289, vol.4]

Devising A Plan in Distribution of Zakaat

In some places, in the Madressahs, where the expenses far exceed the income, the following plan is devised and executed with Zakaat : The Zakaat is given to a poor person and it is said to him to give it, on his behalf to the Madressah. This is done in this way.

This plan is permissible, and the Zakaat spent in this way is discharged. There is no sin on those involved in carrying out this plan. If their intentions are sincere, then Insha-Allaah, they will be rewarded for their actions. [Fataawa Daarul Uloom, page 104, vol.6 / Fataawa Mahmoodia, page 30, vol.3 / Kifaayatul Mufti, page 286, vol.4]

{NOTE: To devise plans unnecessarily, although the Zakaat may be regarded as having been discharged, after the poor person is given ownership of the money, it is an evil act. Remember, after the poor person is given the ownership, he may do as he pleases with the money. If he is forced to >donate= this money, then the Zakaat may not even be regarded as being discharged.}

To Spend Zakaat Money on Masjids and Graveyards

Zakaat ***cannot be spent*** on graveyards or Musjids, regardless of the good reasons thereof. [Fataawa Daarul Uloom, page 213, vol.6]

Spending Zakaat Money to Feed People At Iftaar

MAS`ALA : To feed people at Iftaar during the month of Ramadaan, with Zakaat money is permissible, if the people that are fed are all poor and worthy recipients of Zakaat, and the food is given to them, unconditionally. If a wealthy person is fed with Zakaat money, then the Zakaat is not accepted. [Kifaayatul Mufti, page 158, vol.4]

Can Qur`aan Shareefs and Deeni Books Be Bought and Distributed with Zakaat Money ?

MAS`ALA : Kitaabs (Deeni literature) may be bought at a fair market rate and distributed amongst the needy recipients, provided they are given full ownership thereof. If the kitaabs bought with Zakaat money is given to a Madressah as Waqf, or borrowed to the students, then the Zakaat will not be discharged. [Ahsanul Fataawa, page 292, vol.4]

MAS`ALA :** It is permissible to buy Deeni literature and Qur`aan Shareefs with Zakaat money and distribute amongst ***needy students.* [Fataawa Daarul Uloom, page 200, vol.6]

MAS`ALA : If a person buys (or publishes) Deeni Kitaabs with Zakaat money and distributes it amongst worthy (poor) Ulama and students, and makes them the owners

thereof, then there is double reward therein. [Fataawa Daarul Uloom, page 215, vol.6 / Ahsanul Fataawa, page 282, vol.4]

To Purchase Equipment Etc. for A School with Zakaat Money

The basic rule for the acceptance of Zakaat is that there must be ownership thereof, by the recipient. In buying equipment etc. for a school there will not be ownership of the goods by the poor. This will be more like a Waqf, hence Zakaat will not be discharged. If the items bought are given to the worthy (poor) pupils, then the Zakaat will be discharged. [Fataawa Rahimia, page 11, vol.2]

Subscribing for A Periodical with Zakaat Money

If a person wishes to subscribe for a (Deeni) periodical, for a poor person, then he may do so as follows: He should make the publishers his representatives, in that they sell him the periodical and then they deliver it to the recipient on his behalf.

Or he may buy the periodical himself and have it delivered to the worthy recipient, and make him the owner thereof.

**In both these ways Zakaat will be discharged. [Fataawa Mahmoodia,
page 50, vol.3]**

Use of Zakaat Money to Start A Factory / Industry

There must be complete ownership of the wealth by the recipient for Zakaat tot be valid, hence to start a factory, mill, industry etc., for the benefit of the poor with Zakaat money will not be valid.
If one or a few poor persons are made the owners of this industry, then the Zakaat will be valid to the amount used to set it up. [Aap ke Masaa`il, page 383, vol.3]

To Build A House for the Poor with Zakaat

MAS`ALA : If a person builds a house with his own money, and gives it as Zakaat, with complete ownership (transfer) to a poor person who is worthy of Zakaat, and the giver of the house (Zakaat), has absolutely no connection thereafter with the house. Thereafter this person (giver of Zakaat) replaces the money that he spent on the house with the Zakaat money that he has accumulated, in this way Zakaat will be discharged. [Eedaah-e-Masaa`il, page 115 / Ahsanul Fataawa, page 490, vol.4]

Houses Built with Zakaat Money by (Zakaat) Societies / Organisations

MAS`ALA : If there exists such organisations that build houses for the poor, with Zakaat money and give them complete ownership thereof, the Zakaat will be valid, however, there are many evils and vices that are attached to such schemes. Many a times the money is misused and abused. The poor is not given ownership of the actual money that was given for Zakaat, and it was changed in between. Although the Zakaat will be deemed as discharged, this act is greatly discouraged. A better way to go about it, would be to that this organisation build the

homes with their own funds, then they should give the homes with the intention of Zakaat to the poor with full unattached ownership (transfer), thereafter they (organisation) should be paid out with the Zakaat funds. If the wealth is destroyed at the organisation, then they are ***not liable for this amount.***

If the above method is used to dispense of Zakaat, and the giver of the Zakaat makes any demands upon the poor recipient or he places any pressure on him for any reason, thinking that the poor should be indebted to him for his >favour > upon him, then all his (givers) reward is lost and wasted. Notwithstanding this, the ownership of the poor person on the house is not in the least bit affected. [Eedaah-e-Masaa`il, page 116/ Fataawa Rahimia, page 161, vol.5]

Houses / Flats Built for the Poor with Zakaat Money, and Given with Conditions Attached

If a house or flat is built and given to the poor with some conditions attached. Although the giver places these conditions thinking it to be safeguarding the Zakaat investment, the Zakaat will ***not be discharged.*** Examples of conditions that are placed: Occupant cannot sell the place, he cannot allow anyone else to take occupation of the flat, he cannot rent out the flat etc. etc.

Remember the golden rule for the validity of Zakaat : ***The recipient must take full, complete and unattached ownership of the Zakaat.*** [see Aap ke Masaa`il, page 389, vol.3]

To Rent Out A Property to A Poor with the Intention of Zakaat

MAS`ALA : Zakaat is to give a part of one=s >concrete= wealth to the poor. The benefit of a commodity is ***not regarded*** as >concrete= wealth. Therefore to give a house of flat etc. to a poor person (even for a year or more), and intend that the rental (not charged to him) is Zakaat, will not be valid. **Zakaat in this way is NOT discharged.** [[Fiqh-e-Zakaat, page 168, vol.1]

Zakaat Money Used to Repair the House of A Poor

MAS`ALA : If Zakaat money is not given to the poor but it is used to repair his house, then the Zakaat ***is not*** discharged. For the Zakaat to be discharged, the poor must be given possession of the money. [Fataawa Daarul Uloom, page 241, vol.6]

Collecting Zakaat for A Madressah to be

If a person collects Zakaat, Fitra etc. for a Madressah, which he intends starting, thereafter this project never gets off the ground, then he must spend that money in any way, ***as long as the rightful recipients of Zakaat receive it.*** The best recipients in this case would be needy Madressah students. If he does not dispense of this money correctly, he will be answerable to Allaah Ta`ala for all the money, {not to mention that the givers of the Zakaat will ***not be absolved from their Zakaat obligation***}. [Fataawa Daarul Uloom, page 283, vol.6]

Is the Madressah Principal the Representative of the Students Or the Givers of Zakaat?

MAS`ALA : The Madressah principal is the representative of the wealthy, in that he is to correctly dispense of the Zakaat wealth. He is also the representative of the poor students, in that they are hopeful that he will use this funds to the best of their benefit. [Fataawa Mahmoodia, page 48,vol.3 and page 220, vol.12]

Can the Principal, Who is Also Poor Use From the Zakaat Funds?

If the Zakaat money was given for the students, then the principal cannot utilise these funds, even if he is poor himself. [Kifaayatul Mufti, page 155, vol.4]

Is the Zakaat Discharged When it is Given to the Principal ?

The Zakaat will only be discharged after it has reached the poor recipients. A better way to do it is to give it to the poor, and thereafter, ask them to hand it to the Madressah. However, in many cases the money given to the principal, will be correctly discharged, when it is used upon the students, in any form. The money is first given in the possession of a poor, and thereafter it is given back to the Madressah,)as a gift from this recipient), and placed in the Madressah fund and spent as per required. [Fataawa Daarul Uloom, page 89, vol.6]

Different Collections Are Kept Together

If (in a Madressah), different types of collections are kept together, eg. Zakaat, Musjid renovations, charity etc., then if this is not the normal practice of the place, the principal is acting incorrectly and he will be liable for incorrectly

spent money. If this is the normal practice of the place and the people (donators) accept it, then it will be correct to do so, and the principal will spend as per need and requirement, the correct amount and record it as from the relevant portion of the fund (i.e. The Zakaat amount must be spent on Zakaat, and the Musjid renovation amount is to be spent on the Musjid). If the principal spends the Zakaat incorrectly, without the givers knowledge, then he will be liable for sin, but the Zakaat will be discharged.

The Fuqaha have ruled that if many amounts are mixed with Zakaat, with the givers knowledge, then the correct amount (not necessarily the exact notes of money given) in Zakaat received must be spent correctly to the rightful recipients. In this way Zakaat will be discharged, and the principal will not be sinning. [Kifaayatul Mufti, page 262, vol.4]

Another Way of Spending Zakaat for A Madressah

The Madressah must charge a specific fee to all the students. Zakaat money may then be given to the rightful students, and collected from them as fees. [Fataawa Rahimia, page 150, vol.5]

Can Zakaat Be Given to A Poor Ustaad ?

Zakaat may be given to a poor Madressah Ustaad, as a >bonus=, however, ***it cannot be given as a wage.*** If a plan is devised and Zakaat is given to a poor person, who is thereafter advised that the local Madressah is desperately in need of funds and he is given the virtues of donating in this avenue, and he does so, then the wage of the Ustaad

may be given from this money. [Fataawa Rahimia, page 157, vol.5]

Can Zakaat Be Given to One=s Poor Ustaad?

There is indeed great reward in giving Zakaat to one=s own Ustaad, who may be desperately indebted or in need. He should be given as per his need and the rest may be given to other poor recipients. [Fataawa Daarul Uloom, page 254, vol.6]

Giving Zakaat in Lieu of Services Etc.

Zakaat cannot be given in lieu of services rendered to a Madressah. For example, if a person cooks for a Madressah or brings the rice etc. to the Madressah, they cannot be paid from Zakaat for their services. Similarly, the collector of the Madressah cannot be paid or fed with this Zakaat money. [Fataawa Rahimia, page 163, vol.5]

To Give One=s Own Money in Place of the Zakaat Collections

If the collector for a Madressah etc. collects Zakaat money and he writes to his brother at home (for example, he is in another place), that he (brother) gives a certain amount to the Madressah on his (collectors) behalf, in lieu of the Zakaat which he has collected. Then this is correct and the Zakaat of the givers will be discharged, as soon as the money is correctly used by the Madressah. [Fataawa Rahimia, page 160, vol.5]

For A Collector to Use the Zakaat Money

It is ***not permissible*** for the collector of Zakaat to use from the Zakaat funds collected for his personal use, even if he replaces it after he reaches home. He should request money from home for himself, or he should borrow from someone. [Fataawa Rahimia, page 164, vol.5 / Fataawa Mahmoodia, page 224, vol.12]

If the Zakaat Money is Destroyed Whilst with the Madressah Collector

MAS`ALA : If Zakaat money is destroyed or stolen whilst in the possession of the collector or the principal, they will *not be liable* for this amount, and the *Zakaat is discharged.* The collector or principal is the representative of the poor, therefore, when they are given the money it is as though it is given to the poor. However, if the money is destroyed due to purposeful negligence etc. then the collector or the principal is responsible for that amount, and they have to necessarily replace that money from their own pockets. [Imdaad Masaa`il Zakaat, page 120 / Imdaadul Fataawa, page 14, vol.2 / Fataawa Mahmoodia, page 41, vol.3]

Giving Zakaat to A Madressah Student

MAS`ALA : Even though a Madressah student is regarded as being >fi Sabeelillaah=, Zakaat can only be given to him, if he is poor and worthy of receiving Zakaat. {Note somewhere in this book regarding the definition of >fi Sabeelillaah=}. [Fataawa Daarul Uloom, page 252, vol.6]

<u>MAS`ALA :</u> If Zakaat is given to a wealthy (Saahib-e-Nisaab) Madressah student, who is not a traveller, it will be Haraam. Zakaat ***is not discharged in this way.*** [Fataawa Daarul Uloom, page 263, vol.6]

<u>Zakaat Given to A Student of Deen Who is Also Studying Secular Education</u>

<u>MAS`ALA :</u> Zakaat given to a poor student, who is a worthy recipient, will be discharged, even if he is involved in other (secular) studies. [Fataawa Daarul Uloom, page 251, vol.6 / Fataawa Mahmoodia, page 60, vol.3]

<u>Giving Zakaat to Students Whose (Domestic) Financial Situation is Unknown</u>

It is necessary for the principal to investigate the financial situation of the student. However, if the student says that he and his parents are poor, then his word may be taken. [Fataawa Daarul Uloom, page 220, vol.6]

<u>MAS`ALA :</u> It is not permissible to give Zakaat to a wealthy (Saahib-e-Nisaab), immature child. [Fataawa Daarul Uloom, page 289, vol.6]

<u>For A Poor Student to Ask for Financial Assistance</u>

**<u>MAS`ALA :</u>** Although there was permission granted for this in the past eras, in present times ***it is not permissible*** for a Deeni student to go around asking for financial assistance. They should remain aloof from the wealthy and place their trust in Allaah Ta`ala. [Ahsanul Fataawa, page 258, vol.4]

Investigating A Student

MAS`ALA : The financial status of the student must be investigated prior to giving them Zakaat. If they are immature then, it must be certified that their parents are worthy of Zakaat. If the student is mature, then regardless of whether their parents are wealthy or not, they can be given Zakaat if they themselves are not Saahib-e-Nisaab. [Fataawa Daarul Uloom, page 219, vol.6]

If A Kitchen is Established for Poor Students

If a kitchen / mess is established from Zakaat funds for the benefit of the poor Madressah students, and they are made to eat there, the Zakaat ***will not be discharged.*** Possession has not taken place. [Fataawa Daarul Uloom, page 234, vol.6]

If An Imaam is Given Zakaat As A Custom, Instead of A Wage

The wage of an Imaam or Muazzin cannot be given with Zakaat. If (as is vogue in some areas), the Imaam is not given a stipulated wage, however, it is the custom of the residents to give their Zakaat to this Imaam, although, this is not a condition of his >employment=. Since, it is a generally accepted practice to the residents and the Imaam, this practice will ***not render the Zakaat as being discharged.***

If the Imaam is given a salary, and the Zakaat is given to him (provided he is a worthy recipient thereof), as an extra >gift=, then it will be acceptable. [Aap ke Masaa`il, page 402, vol.3]

Can Zakaat Be Given to Tablighi Jamaat Participants ?

MAS`ALA : Zakaat may be given to participants of the Tablighi Jamaat, ***provided they are worthy (poor) recipients thereof.*** {They cannot be given merely because they are >fi Sabeelillaah=- check for definition of >fi Sabeelillaah=, elsewhere in this book}. [Fataawa Mahmoodia, page 51, vol.3]

To Give Zakaat to A Traveller

MAS`ALA : A traveller may take Zakaat money if he does not have the equivalent of Nisaab, on his person. (Even though he may have it at home). [Fataawa Daarul Uloom, page 283, vol.6 / Kitaabul Fiqh, page 1019, vol.1]

**MAS`ALA :** A person may be very wealthy at home, however, whilst on a journey, he loses all his wealth, that he does not have enough money to reach home, then Zakaat may be given to him. The same will apply to a Haaji. [Imdaad Masaa`il Zakaat, page 73 / Fataawa Aalimgiri, page 186, vol.10]

Will A Ticket Bought with Zakaat Funds Be Valid for A (Worthy) Traveller?

If the ticket was bought with the consent of the (stranded, worthy) traveller, then it will be valid. If for some reason or

the other the ticket is cancelled, the Zakaat will still be regarded as being discharged. [Fataawa Daarul Uloom, page 197, vol.6]

Giving Zakaat to One=s Maid Servants

Zakaat will be valid if given to one=s maid servants or other workers, ***if they are Muslim, and they comply with all the requisites of accepting Zakaat. It cannot be given to them as a wage.*** [Fataawa Daarul Uloom, page 255, vol.6 / Aalimgiri, page 19, vol.1]

Making Funeral Arrangements with Zakaat Money

MAS`ALA : It is not permissible to use Zakaat money for funeral arrangements. However, if the family are poor, then the Zakaat may be given to the family member of the deceased, and he in turn may use it for the funeral arrangements. [Ahsanul Fataawa, page 293, vol.4 / Fataawa Mahmoodia, page 44, vol.3 / Kitaabul Fiqh, page 1014, vol.1]

MAS`ALA : That Zakaat money used for the Kafn of the deceased is not accepted, and will be counted as optional charity. Zakaat can only be given to a living person. [Fataawa Daarul Uloom, page 334, vol.6]

Will the Giver of Zakaat Also Get the Reward of the Kafn Etc. ?

MAS`ALA : It is written in Shaami that the giver of Zakaat will get his reward, and the one who received the Zakaat, and gave it for the funeral expenses will get his reward, and it may also be said that the giver of the Zakaat will get both the rewards, because it comes in a Hadith : ***AThe one***

who indicates to a good deed is just like the doer (in reward).@ [Raddul Mukhtaar, page 16, vol.2]

Paying the Debts of A Deceased with Zakaat Money

**MAS`ALA :** The debts of a deceased ***cannot be paid*** with Zakaat money. If this money is given to a poor relative of the deceased, and he willingly pays the debts, with this money after he became the owner thereof, it will be accepted. [Ma`ariful Qur`aan, page 408, vol.4]
MAS`ALA : Zakaat cannot be given as repayment for the debts of a deceased on his behalf. [Fataawa Hindia, page 188, vol.1 / Fataawa Aalimgiri, page 39, vol.4]

Can the Poor Be Fed with Zakaat, As Eesaale Thawaab for A Deceased?

MAS`ALA : Zakaat cannot be used on behalf of the deceased to feed or clothe the poor. [Fataawa Daarul Uloom, page 204, vol.6]

Can A Wife Give Zakaat to the Husband ?

If the husband happens to be poor and the wife has wealth, then it is ethically her duty to assist her husband. He may repay her when he is of means.

Since they share their home and food etc. it will be ***incorrect for her to give him her Zakaat.*** [Aap ke Masaa`il, page 395, vol.3 / Fataawa Daarul Uloom, page 292, vol.6]

Can A Poor of Indebted Husband Take Zakaat If His Wife is Wealthy?

If the wife is wealthy then the husband will not be regarded as wealthy owing to this. If the husband is not Saahib-e-Nisaab, and his wife may be wealthy, then ***it is permissible to give him Zakaat.*** [Aap ke Masaa`il, page 395, vol.3]

Zakaat to A Poor Married Woman

If a woman is married but she is very poor, she may be given Zakaat. [Aap ke Masaa`il, page 395, vol.3]

Is it Permissible to Give A Woman Who Has Wealthy Children, Zakaat?

It is the duty upon the children to support their mother (if she has no children, then her brothers should support her). However, if they shirk in their duty, and she does not have enough to >make ends meet= and is not Saahib-e-Nisaab, she may be given Zakaat. [Ibid]

To Give Zakaat to A >Gentleman= / Cleanly Dressed Person

Zakaat given to a cleanly dressed person (>Gentleman= - i.e. outwardly he appears wealthy), but he is actually worthy of Zakaat, as he is not Saahib-e-Nisaab, is permissible. When the Zakaat is given, he does not have to be told that it is Zakaat, it may be given as a >gift= (with the intention of Zakaat), then too Zakaat will be discharged. [Aap ke Masaa`il, page 401, vol.3]

Giving A Large Amount in Zakaat

To give a person so much Zakaat so as to make him a Saahib-e-Nisaab, is Makrooh. However, if the person is in debt or he has a large family, that by giving him a large amount (more than the Nisaab), he will not have Nisaab amount left over after repaying his debts or spending on his family, then this will be valid. [Tahtaawi, page 416 /Kitaabul Fiqh, page 1013, vol.1]

Giving Zakaat to A Person Who Does Not Perform Salaat

MAS`ALA : If a person is worthy of Zakaat, but he does not perform Salaat, then Zakaat may be given to him. Non performance of Salaat does not render one a Kaafir. [Fataawa Daarul Uloom, page 284, vol.6]

Giving Zakaat to An Alcoholic Or Drug Addict

To give Zakaat and charity to good and pious persons is very rewarding and virtuous, and this is preferable. However, if it is given to an alcoholic(who is a Muslim and poor), then it will be accepted and discharged. [Fataawa Daarul Uloom, page 235, vol.6]

However, if you are certain that he will spend this money on his evil habit, then it is NOT PERMISSIBLE to give him.

Giving Zakaat to Non-muslims

Zakaat given to non-Muslims ***is not discharged.*** There is consensus of opinion that Zakaat must be given to ONLY Muslims. Optional charity may be given to non-Muslims. [Fataawa Daarul Uloom, page 277, vol.6 / Kifaayatul Mufti, page 463, vol.4]

Who is A >Miskeen= ?

MAS`ALA : That person who does pot have the Nisaab amount and is in need, is known as a >Miskeen= or >Faqeer=. [Fataawa Daarul Uloom, page 194, vol.6 / Fiqh-e-Zakaat, page 14, vol.2]
Actually a >Miskeen= is one who owns nothing, he is completely in dire straits. A >Faqeer= is one who has food and drink, but is not Saahib-e-Nisaab.

A >Faqeer= is one who may ask of others for his needs, whereas the >Miskeen= will not do so. [see Haqeeqat-e-Zakaat, page 21 / Kitaabul Fiqh alal Mazaahibil Arb`a, page 1012, vol.1 / Fataawa Mahmoodia, page 146, vol.11]

Can Zakaat Be Given to One Who is Able to Work ?

Zakaat given to a poor person who is able to work will be discharged. As long as the recipient is liable for Zakaat at the time of giving, the Zakaat will be discharged. *AAll actions are based upon their intentions.@* [Fataawa Daarul Uloom, page 229 vol.6]

To Give Zakaat to One Who Will Spend it Incorrectly

If Zakaat is given to one, who, the giver is certain, will spend it in impermissible avenues (gambling, wine etc.),

then the giver will be liable for sin. [Fataawa Daarul Uloom, page 229, vol.6]

MAS`ALA : If the money was given innocently and the giver is not aware of the vile intentions or spenditure of the recipient, then the Zakaat will be discharged and he (giver) will not be liable for sin. [Ibid]

Giving Zakaat to An Orphanage

MAS`ALA : To give Zakaat to an immature child is permissible, therefore to give Zakaat money to an orphanage is permissible. [Fataawa Daarul Uloom, page 257, vol.6]

MAS`ALA : It will be correct to give Zakaat to the guardian of an orphan, for the spending upon the orphan. [Ibid]

MAS`ALA : Zakaat cannot be used for the building of an orphanage. Nor can it be used for the wages of the staff. [Kifaayatul Mufti, page 279,vol.4]

Zakaat for the Family of Nabi (Sallallahu Alaihi Wasallam)

Zakaat cannot be given to the family of Nabi (sallallahu alaihi wasallam). Those persons that are from the family of Hadhrat Ali, Hadhrat Aqeel, Hadhrat Ja`far, and Hadhrat Abbaas (radhiAllaahu anhum) are regarded as being from the family of Nabi (sallallahu alaihi wasallam). If anyone belonging to this family, are poor and in need, then a separate fund has to be established to assist them. [Aap ke Masaa`il, page 390, vol.3]

Is Zakaat Given to A Haashimi Or Sayed (Family of Nabi (Sallallahu Alaihi Wasallam)) Valid Or Not ?

According to the Hanafi Mazhab, Zakaat given to the family of Nabi (sallallahu alaihi wasallam), under any condition, is not valid. [Fataawa Daarul Uloom, page 212, vol.6]

MAS`ALA : It is not correct to give Zakaat to a Sayed. It can, however, be given in this manner. If it is given to a poor non-Sayed and he is advised to give to the Sayed, then it will be acceptable for the Sayed. [Kifaayatul Mufti, page 272, vol. 4]

Can Zakaat Be Given to One Whose Mother is A Sayed ?

MAS`ALA : If someone=s mother is a Sayed, but the father is not, then Zakaat can be given to such a person. Lineage is from the father. [Ahsanul Fataawa, page 279, vol.4]

To Give Zakaat to One Who Does Not Have A Record of the Family Tree

If a person heard from his parents that they are Sayed=s, but he does not have documented proof regarding this in the form of a family tree, then the fact that by word of mouth they are regarded as Sayed=s, this is proof enough for him, not to accept Zakaat. It will be Haraam for him to take Zakaat. [Ahsanul Fataawa, page 279, vol.4]

Rational Reason for Not Giving Zakaat to A Sayed

MAS`ALA : Zakaat is the filth of people=s wealth, hence this is undesirable for the family of Nabi (sallallahu alaihi wasallam). If they are in need, then they should be assisted with pure wealth. Another reason is that if Nabi (sallallahu alaihi wasallam) had given the order to give Zakaat to his Family, then people may get this stray thought that (Naoothubillah), Nabi (sallallahu alaihi wasallam) had started this system of Zakaat for the benefit of his own family.

Another reason is that, if Zakaat for the family of Nabi (sallallahu alaihi wasallam) was permissible, people would have given them preference over their own families, when giving Zakaat. [Aap ke Masaa`il, page 391, vol.3]

Written Proof for Not Giving Zakaat to the Family of Nabi (Sallallahu Alaihi Wasallam)

MAS`ALA : There is consensus of opinion amongst the Ulama, that Zakaat and Fitra cannot be given to the family of Nabi (sallallahu alaihi wasallam). Upon this is the Fatwa (Ruling). In a Hadith Nabi (sallallahu alaihi wasallam) said that this wealth is >Owsaaghun Naas= (filth of the people). And he mentioned that this is not Halaal upon the family of Muhammad (sallallahu alaihi wasallam). [Mishkaat Shareef, page 161, vol.1]

In another Hadith, Hadhrat Hassan (radhiAllaahu anhu) was stopped by Nabi (sallallahu alaihi wasallam) from eating a date from Sadaqah. [Ibid].

This prohibition of giving Zakaat to the family of Nabi (sallallahu alaihi wasallam), is stated clearly in Durrul Mukhtaar and Shaami. This applies for the present era as well, and for all times. [Fataawa Rahimia, page 168, vol.5 / Fataawa Mahmoodia, page 255, vol.7]

Can A Sayed Give Another Sayed His Zakaat ?

One Sayed cannot give another Sayed Zakaat. [Fataawa Mahmoodia, page 33, vol.3]

Can Zakaat Be Given to the Wife of A Sayed?

If the wife is not a Sayed, then she may take Zakaat. After she takes possession thereof, she may spend it upon her children and husband. [Aap ke Masaa`il, page 392, vol.3]

Zakaat Given to A Sayed by Mistake

If the giver of Zakaat gave the Zakaat to a Sayed by mistake, then his Zakaat will be discharged. However, if the Sayed recipient is aware that the money is Zakaat, he must compulsorily return it. [Ahsanul Fataawa, page 280, vol.4]

Zakaat Given to A Shi`a Or Qaadiani

Shi`a=s and Qaadiaanis are Kaafir, in fact they are worse than the Kuffaar. To give Zakaat to a Kaafir is ***not permissible.*** To give Zakaat to such people is a great sin, and the Zakaat ***will not be discharged.*** [Ahsanul Fataawa, page 281, vol.4]

How Does One Verify is Another is Liable of Zakaat?

A person=s outward appearance is taken into consideration when giving Zakaat. If it appears, within reason that a person is worthy of Zakaat, then he may be given Zakaat. However, in cases of doubt, one should necessarily investigate the recipients condition. [Aap ke Masaa`il, page 293, vol.3]

Giving Zakaat to One=s Poor Family

To give Zakaat to one=s poor family (brother, sister etc.), is commendable and liable for extra reward. [Ahsanul Fataawa, page 292, vol.4]

{One=s immediate blood relatives, father, mother and upwards , and one=s children and grandchildren and downwards cannot be given Zakaat}

One should try not to give Zakaat to those who ask for it.

Zakaat Given to One=s Brother and He Spends it on the Father

MAS`ALA : If the brother, who is liable for Zakaat, is given Zakaat, and he is told to spend it on the father then this is incorrect. If the brother is made the owner and he spends of his own will, then it will be fine. If the brother is given the Zakaat, as a representative and the father is actually one=s object, then the Zakaat will not be discharged. [Aap ke Masaa`il, page 394, vol.3]

Zakaat for Step-mother

MAS`ALA : If the step-mother is worthy of Zakaat, and she is not a Sayed, then she may be given Zakaat. [Fataawa Mahmoodia, page 268, vol.7]

Zakaat for One=s Illegitimate Child

MAS`ALA : It is not permissible for one to give Zakaat to his illegitimate child (i.e. the child born from his Haraam act of Zina). Similarly, it would be impermissible for one to give Zakaat to a child whom he had refuted as being his (from his wife).

However, to give Zakaat to that illegitimate child whose father is well known, is permissible. [Durrul Mukhtaar, page 107, vol.2]

MAS`ALA : That child born before six months have elapsed after Nikah is regarded as illegitimate according to the Shariah. However, the father of the child cannot give Zakaat to that child. If he gives Zakaat, then it will not be discharged. [Fataawa Rahimia, page 14,vol.2 / Aalimgiri, page 39, vol.4]

Zakaat for A Foster (Breast Fed) Child

**MAS`ALA :** It is permissible to give Zakaat to one=s foster child and foster mother. [Imdaad Masaa`il Zakaat, page 74]

Zakaat Will Be Discharged If Given to the Following Persons :

55. One=s real and step brothers and sisters.
56. One=s paternal uncle and aunt and their children.

57. One=s maternal uncle and aunt and their children.
58. One=s step parents and their children.
59. One=s in-laws and their children.
60. The poor and worthy (of Zakaat) parents of wealthy children.
61. The poor and worthy children of wealthy parents.
62. The poor and worthy wife of a wealthy man.
63. The poor and worthy husband of a wealthy woman.
64. One=s son-in-law or daughter-in-law.
65. A student for his Ustaad and vice versa.
66. The children of one=s wife, who are from another husband.
67. The children of one=s husband, who are from an ex- wife.
68. A traveller, who has no wealth on his person, although he may be wealthy at home.
69. A poor and worthy immature child, whose father is not Saahib-e-Nisaab, even though the mother is wealthy.
70. The children of one=s husband, who are from his other wife (i.e. he has more than one wife).
71. The person whose expenses exceed his income.
72. The person whose income is sufficient for his expenses, but he is greatly in debt.
73. Zakaat can be given to any Muslim (Not a Sayed) as long as that person is not Saahib-e-Nisaab, even though he is able to work.

NOTE: When giving Zakaat, one does not have to say that this is Zakaat, intention in the heart is sufficient.

[The above categories are extracted from the following kitaabs : Imdaad Fataawa, page 12, vol.3 / Fataawa Daarul Uloom, pages 237-8, vol.6 & pages 196; 245; 246; 292; 290; 279; 289 all in vol.6 / Fataawa Mahmoodia, pages 95 & 106, vol.13 / Ahsanul Fataawa, page 169, vol.4 / Fataawa Aalimgiri, pages 39 & 40, vol.4 / Kitaabul Fiqh, page 1014, vol.1 / Tahtaawi, page 419 / Hidaayah, page 205, vol.1 / Imdaad Masaa`il Zakaat, page 73 / Aap ke Masaa`il, page 394, vol.3]

Zakaat Given to the Following Persons is Not Discharged :

74. One=s own father, paternal grand-parents, paternal great grand-parents and upwards.
75. One=s own mother, maternal grand-parents, maternal great -grand parents and upwards.
76. One=s own son, his children, grand children and downwards.
77. One=s own daughter, her children, grandchildren and downwards.
78. A husband to his wife and vice versa.
79. The husband who gives his divorced wife, who is still in Iddat.
80. The immature children of a wealthy father.
81. The wealthy widow, who gives her own children.
82. Wages given to Ustaads, Imaams, Muazzins etc.
83. The family of Nabi (sallallahu alaihi wasallam).
84. The wealthy person, who is Saahib-e-Nisaab.
85. Zakaat used for building a Musjid, Madressah, orphanage, school, for a well etc.
86. For the funeral expenses, and for the graveyard.
87. All those instances where the poor recipient was not made the owner of the Zakaat.

[All the above were extracted from the following kitaabs : Ma`ariful Qur`aan, page 412, vol.4 / Fataawa Daarul Uloom, pages 292; 282; 212; 213; 238 & 39, all in vol.6 / Ahsanul Fataawa, pages 469; 369, vol.4 / Kitaabul Fiqh, page 1014, vol.1 / Fataawa Mahmoodia, page 87, vol.13 / Aap ke Masaa`il, page 504 & 390, vol.3 / Fataawa Aalimgiri, page 39, vol.4 / Durrul Mukhtaar, page 141, vol.1 / Fiqh-e-Zakaat, page 203, vol.2 / Imdaad Masaa`il Zakaat, page 72 & 76]

To Give Zakaat and Say it is A Loan

If a person gives a loan to a poor person, who is liable for Zakaat, and he makes the intention of Zakaat, (i.e. he will not get repayment - he will later say that the loan if forgiven), then this is correct and the Zakaat is discharged. It is reported in Fataawa Aalimgiri that the Zakaat which is

given to a poor worthy recipient of Zakaat, and at the time of giving it is said that it is a loan or a gift, but the givers intention is Zakaat, then the Zakaat will be discharged. [Fataawa Rahimia, page 112, vol.3]

MAS`ALA : If someone gives Zakaat and says that it is a loan, it will not be permissible for him to accept repayment thereof. He should tell the recipient that he has forgiven the loan or that it is a gift. [Ahsanul Fataawa, page 264, vol.4 / Fiqh-e-Zakaat, page 369, vol.2]

Can A Person Who Had Become Wealthy, Use the Things He Had Acquired As Zakaat When He Was Poor ?

A person may use those things which he had acquired whilst he was poor, because at the time of accepting it he was worthy thereof. [Fataawa Rahimia, page 161, vol.5]

Can A Wealthy Person Use What Has Been Given to the Poor As Zakaat?

If something has been given to the poor as Zakaat and he has been made the owner thereof, thereafter he may allow anyone to use it, and it would be permissible for even a wealthy person to use it. However, if the item has not yet passed into the ownership of a poor recipient, then it would be impermissible for a wealthy person to use it. [see Ahsanul Fataawa, page 260, vol.4]

Accepting A Gift From the Recipient of Zakaat

MAS`ALA : If someone gives a poor worthy family member Zakaat, then this recipient gives the giver of Zakaat a gift, it will be permissible for him to accept it.

{However, this should not be a condition of giving the Zakaat, nor should it be a custom}. [[Fataawa Mahmoodia, page 249, vol.7]

Sending Zakaat by Draft Or Money Order

MAS`ALA : Zakaat may be sent via a draft or money order, due to certain constraints. The Zakaat will be discharged in this way. However, the fees and charges levied for this service ***cannot be paid with Zakaat money.*** [Fataawa Rahimia, page 164, vol.5 / Fataawa Daarul Uloom, page 101, vol.6 / Fataawa Mahmoodia, page 259, vol.7]

NOTE: If this money is sent directly to the recipient, then one does not have to specify that it its Zakaat, due to obvious reasons, however, if the money is sent to a Madressah etc, then it will have to be specified that the money is for Zakaat, so that it may be correctly spent.

What If the Money Order Or Draft Does Not Reach its Destination?

MAS`ALA : That Zakaat which is sent by money order or draft, if it does not reach its destination, then ***Zakaat is not discharged.*** The reason being that the post office or bank, is not the representative of the poor, it is acting on behalf of the giver of Zakaat [Kifaayatul Mufti, page 279, vol.4]

To Buy Back What You Have Given in Zakaat

MAS`ALA : If something which you have given in Zakaat is being sold (by the recipient), then it is better that you do not buy it back. There is a possibility, he may sell it to you

keeping in mind that you had given it (He may be constrained to make it cheap). [Fataawa Mahmoodia, page 251, vol.7]

To Give Zakaat to Someone Who is Not Worthy of Acceptance

MAS`ALA : If a person gives his Zakaat to another, thinking him to be a worthy recipient thereof., thereafter he realises that this recipient is a Kaafir, then this Zakaat is ***not discharged.*** He will have to give Zakaat again, because a Kaafir cannot be given Zakaat. Besides this, if the giver of the Zakaat, later discovers that the recipient was a wealthy person, or a Haashimi, or his own father, son or wife, then he will ***not have to repeat his Zakaat,*** because the money has left his ownership and reached a place worthy of reward. That Zakaat given by mistake or in the dark of the night, is forgiven. [Durrul Mukhtaar, page 92, vol.2 / Ma`ariful Qur`aan, page 413, vol.4 / Fataawa Daarul Uloom, page 227, vol.6 / Fiqh-e-Zakaat, page 261, vol.2]
{NOTE: >Mistake= does not apply to ignorance of Shar`i laws.}

MAS`ALA : If at the time of giving the Zakaat, the giver, in his estimation, thinks that he is giving a rightful recipient, then the Zakaat is discharged. [Aap ke Masaa`il, page 398, vol.3]

MAS`ALA : If a person is in ***doubt*** regarding the worthiness of the recipient, nevertheless, he gives the Zakaat. If the Zakaat was given without any investigation, then the giver must reasonable estimate and see what the recipient appears to him. If he appears to be a poor, worthy person, then the Zakaat is discharged, but if he appears to be wealthy, then the Zakaat is not discharged, and will

have to be given again. However, if it is later discovered with certainty, that the person, in fact was poor, then the Zakaat will not have to be repeated. [Shaami / Imdaad Masaa`il Zakaat, page 74]

AND ALLAAH TA`ALA KNOWS BEST.